

**SHELTON PLANNING AND ZONING COMMISSION**      **MAY 22, 2013**

The Shelton Planning and Zoning Commission held a special meeting on Wednesday, May 22, 2013 at Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

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

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

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

Chair Parkins called the Special Meeting of the Planning & Zoning Commission to order at 7:01 p.m. with the Pledge of Allegiance, a roll call of members present and review of cell phone usage during the meeting. She noted that Commissioner Nancy Dickal would be sitting in for Comm. Joan Flannery.

Chair Parkins indicated that tonight's public hearing would be a continuation of Application #13-5 which was opened on April 24<sup>th</sup>.

**APPLICATION #13-5 PETITION OF HAWKS RIDGE OF SHELTON LLC FOR PDD ZONE CHANGE AND INITIAL DEVELOPMENT CONCEPT PLAN, (PHASE 1: 60 SINGLE FAMILY DEVELOPMENT AND 80 UNIT MULTI-FAMILY DEVELOPMENT) LONG HILL CROSS ROAD AND BEARD SAWMILL ROAD (MAP 39, LOTS 14 AND 17 AND MAP 51, LOT 7), LIP DISTRICT (CONTINUED FORM 4/24/13).**

Chair Parkins added that there were two new pieces of correspondence from public officials and from a resident. She requested the P&Z Secretary read the two letters from public officials now and reserve the letters from residents until the Public Portion.

P&Z Secretary Virginia Harger read an e-mail from Eric McPherson, 2<sup>nd</sup> Ward Alderman and John Anglace Jr., BOA Chairman.

**\*See attached e-mail correspondence dated 5/22/13 to Richard Schultz, P&Z Administrator from Alderman Eric McPherson.**

**\*See attached letter dated 5/22/13 to from Alderman John Anglace Jr., BOA Chairman to Richard Schultz, P&Z Administrator.**

Chair Parkins reviewed the procedures for a public hearing and requested anyone wishing to speak for or against the proposal to sign in on the sheet at the podium, address the Commission directly not the Applicant, and keep all comments relative to Application #13-5.

She asked the Applicant if they have any new information to add, to please provide that information prior to the public comments. She asked the Applicant not to rebut but provide new information only at this time.

**Atty. Steven Bellis, Pelligrino Law Firm, New Haven, CT addressed the Commission on behalf of the Applicant, Hawks Ridge.**

Atty. Bellis indicated that he did have one new thing to add for the public's understanding. Atty. Bellis stated that he wanted to point out that there was one particular neighbor that they had who is light industrial user adjacent to their property. His address is 600 Bridgeport Avenue. He is

present tonight with his counsel. He indicated that prior to tonight's meeting they had a meeting amongst themselves and came up with a compromise which he thinks will help him with his existing use of the property. He wanted to provide that information for the record. He will bring it up now and added that one of things that they discussed was a land swap.

Atty. Bellis explained that a land swap is basically an area – he showed a site map of the area – and on the map he pointed out a triangle in the middle of this drawing that is approximately one acre or 42,000 square feet and it is .96 acres. On the Applicant's plan it had been shown as Open Space and it is adjacent to his light industrial building.

Atty. Bellis stated that they are now proposing to deed that over to that particular land owner. In exchange he will be giving them land, also one acre, beginning on Bridgeport Avenue. He showed the hashed out area on the site drawing. He added that the particular area that they are adding is actually going to be better open space because it has access from Bridgeport Avenue. He thinks it is also slightly more land. They will work out the exact boundaries. Atty. Bellis stated that the idea is that it gives him some flexibility to expand in the future, if he needs it and it gives them better open space. He asked if the Commissioners had a question about that.

Comm. Matto commented that she didn't know where their proposed development is in relation to this map (inaudible) ...to see how that works.

Atty. Bellis responded that he could show her that. Using a site drawing, he pointed out the property line and where they would continue to straighten the line out and where it would go directly from corner to corner making a straight line. Presently, there is jog in the line so it straightens out the property line.

Comm. Matto asked if that piece would be going (inaudible)...

Atty. Bellis showed where it would go along to and the location of the existing building. He added that in response to what it does to the Applicant; they will lose one condominium building.

Chair Parkins asked if they were just basically swapping open space.

Atty. Bellis responded yes, but they are also giving up one unit because it is in that triangle.

Chair Parkins asked if he was proposing access of Bridgeport Avenue as a result of it.

Atty. Bellis responded no, no – it is a swap of open space – and the loss of that one unit. He doesn't know how many are in there.

A.J. Grasso responded that it was four.

Atty. Bellis commented that it was four units so four units would be subtracted from the application. He also pointed out that this is currently an existing LIP, the Applicant has agreed that under the Noise Ordinance, they can continue to emit what is permitted in their LIP Zone which he believes is 70 decibels and they will have that as part of their approval as a receiver.

Chair Parkins commented that (inaudible) she doubts that it is 70, and added that 70 is pretty high. She could be wrong – the max is 65.

Atty. Bellis responded OK, whatever, he has a copy of the Noise Ordinance that he'll read. As he said, he can work that out with Staff. He had it as a Class C Emitter meaning a mid noise to a level of 70, he thought it was a 70. He added that he could work that out with Rick Schultz. He indicated that what he was getting at here is that he wants this to be perfectly open and honest for anyone who would be moving there that these people have been there and they are a light industrial use. He commented that what they are doing now, as long as it is currently within the zoning ordinance, which he believes it is, that they will be allowed to continue to do that.

Chair Parkins stated that it would be the first owners but if it is not recorded on the deed, she asked what responsibility it is for the current owners when they sell the property to tell the new owners that.

Atty. Bellis commented that she jumped ahead of him, but he'll answer that question. He indicated that it was also being placed in the condominium documents as being part of the approvals for the Association.

Chair Parkins responded OK.

Atty. Bellis indicated that there are a couple of other things that they are going to do to help them out with the storm drainage which he doesn't need to go into detail with Commission about. They will be cleaning up the storm drainage on Long Hill Cross Road but that is a current, existing problem that has nothing to do with them. The Applicant has agreed to take care of some of the storm drainage from the water coming down Long hill Cross Road. It wanted to provide this information so that everyone knows they will be losing one of the condominium units and they will be doing a land swap. He stated that he would like to wait for all the public comments before being given an opportunity to rebut.

Chair Parkins asked if they will be down to 76 condos and 60 single families.

Atty. Bellis asked A.J. Grasso if that was correct. He responded yes.

Reading from the Sign- In list, Chair Parkins called the first public speaker and requested that people not repeat what they have already said or repeat what has already been stated by another person. She also requested that people speaking please stick to the application at hand and address the Commission with their comments.

**Karen Platt, 253 Long Hill Cross Road, Shelton addressed the Commission.** Ms. Platt stated that she resides at 253 Long Hill Cross Road and with all due respect to the Wells family and their difficulty in selling this land, she is here tonight to express her opposition to this proposal.

Ms. Platt stated that she would be the first to admit that it is a somewhat unusual street given its current blend of LIP use and residential zoning. Atty. Bellis, himself, pointed this out a few years back when representing a developer who wanted a PDD to build a commercial garage in a LIP use building on R-1 zoned land next door to her. Thanks to this Commission, they instead have lovely new neighbors in the house next door. At that time, Atty. Bellis argued that their street had no identity and that LIP use was ideal for this situation. Now, given the right client, their street has become the perfect location for a residential development as dense as this one. She disagrees.

Ms. Platt stated that Mr. Bellis indicated many times last month that saving this land for its intended LIP use is a waste and proceeded to provide photographs of ten realtor signs that he said were on Long Hill Cross Road alone. On Monday, two days ago, she drove the length of her street specifically to count them. If she includes the sign for space available on Controls Drive, she actually counted five signs. Most of them are for space within partially occupied buildings so she wants it to be clear that there aren't ten completely vacant LIP buildings on their street. It seems short-sighted to her to throw in the towel on this space simply because they are in an economic downturn. She added that when residential markets drop, contractors don't just disappear but instead proceed with caution. It is the same thing in their personal finances, when they feel the pinch; they spend carefully instead of impulsively. It is impulsive to disregard the long range plan for this area and lose valuable potential LIP space within the City. The LIP space is being used. It is not used to 100% but it is being used.

Ms. Platt stated that she also has objections to the traffic study results presented last month. It wasn't mentioned how heavily traveled their street currently is. It is one of only two through streets that connect all of the neighborhoods off of Long Hill Avenue to Bridgeport Avenue. Their street is gravel paved, not very well maintained, and is a hilly, curvy, country road that is in high, high use. At the Bridgeport Avenue intersection, the Engineer remarked that there might be 7-8 cars waiting at the light and that sometimes the last car might not make it through. He did not include the time that this was observed, just that it was at peak travel times on Bridgeport Avenue. Ms. Platt stated that their street's peak times do not coincide with Bridgeport Avenue which is primarily office space and retail. Their street has a lot of shift work in their neighborhood and she has personally waited through two or three traffic light cycles in the

afternoons, especially between 3 and 4 p.m., which is actually one of their actual peak times and have counted upwards of 10 cars waiting in line on many weekday afternoons. There are always many cars waiting at those times to get through that intersection.

Ms. Platt commented that at the opposite end of the street, adding a turning right lane for Long Hill Avenue may alleviate the long line of cars waiting but it increases the danger of this already difficult intersection if they are now forcing cars turning both ways to jockey for a sight line of oncoming traffic. If 140 homes are proposed in this PDD, they can potentially see up to two cars per home for an additional 280 vehicles. The Engineer estimated 40% of those will turn right out of the development which means an additional 112 cars speeding past her driveway in an R-1 zoned section of the street. Ms. Platt stated that she thinks it is important to pay attention to those they charged before them with creating a long range plan to the objections offered last month by the WPCA and the Conservation Commission. She added that as Mr. Dognin mentioned in his objection, to the point that Shelton already has over a 1000 new residences that are planned or in progress, she doesn't think that zoning laws should follow what is trendy in real estate but rather what will stand the test of time and proper planning. It is a missed opportunity to succumb to the temptation of immediate tax dollar gratification by approving this PDD and losing limited LIP space when they clearly have plenty of residential opportunities.

Ms. Platt stated that last month, they also heard at length about the good qualities of the Developer and his use of local talent which she also appreciates but that is not why they are here, and it should not be the basis of the Commission's decision. She would venture to guess that many who spoke in favor last month would object to this PDD if it were going to be built in their own neighborhoods. She thinks that there can be compromise here if they are ready to abandon the long term plan, zoning it residential would build a reasonably sized neighborhood with beautiful homes that they can all be proud of subject to existing residential rules and regulations. Ms. Platt stated that just because something will make money, it doesn't necessarily make it right. She requested that the Commission please vote no to this proposal.

Chair Parkins responded thank you for the comments and called the next speaker.

**Brian Mooney, 78 Thompson Street, Shelton, addressed the Commission.** Mr. Mooney stated that at the last meeting he spoke at length about A.J. Grasso's integrity so he will skip any mention of that but he has a few other comments to add.

Mr. Mooney indicated that he co-owns a plumbing and heating contracting business in town and he has been in business for the last ten years.

An audience member requested that the speaker raise the volume on the microphone. Mr. Schultz provided another microphone for the speaker.

Mr. Mooney continued that he understands that there is concern about the proposed use of this property because it is going against its current zoning but it is imperative for them to adapt to the modern development practices because the demographics of Shelton have changed. He indicated that in the 1950's when manufacturing in the northeast was still relevant, many Shelton residents worked in factories. He added that his family is a part of the Oates Brothers Trucking Company, a company that existed solely because of the area's manufacturing. That company went out of business as a result of the loss of manufacturing in the Valley. It could not be recovered because there was no more manufacturing to support it. According to a study reported in The Hartford Business Journal, Connecticut has shed 45% of its manufacturing employment in the last few years partially due to the high cost of labor, high cost of energy, and lack of infrastructure in this area. He stated that this article states that another 4,700 manufacturing jobs in the State were lost recently, continuing the trend of manufacturing loss for 19 of the past 21 years.

Mr. Mooney indicated that there has been no demand to use this property as a factory for over 10 years and given the bleak outlook on manufacturing returning to Connecticut, the demand will likely not materialize soon, if ever. Mr. Mooney commented that they can't hold this property hostage just because they wish the tide of industry will return to Shelton again. They must also consider the burden on the property owners of having property that has no demand for use. In its current zoning condition, it is almost like the proverbial "swamp land in Florida." The only historical comparison that can be made is the old Baldwin Mill on Mill Street that was run by his

business partner's family who used to manufacture what were called "stump joints" through the 19<sup>th</sup> century. It was converted into residential housing in the 20<sup>th</sup> century because there was no longer a demand for its use as a factory; now it makes a rather lovely home. He is using that conversion as an allegorical statement for the best realization of this property's potential.

Mr. Mooney stated that construction in Connecticut is the new version of manufacturing. If you want to promote an industry, promote what is in demand, is local and begging to recover from the recession. This project's 140 units would bring in, from what he understands, a projected \$59.5M in revenues. The second phase of the proposed assisted living facility would bring in a projected \$50M in revenue – revenue that is dispersed among local contractors, workers, laborers and businesses, probably over the span of about 10 years. He added that manufacturing is no longer desirable here, proven by the existing vacant manufacturing buildings like the 83,000 square foot Bassett building on Trap Falls Road, the old Crabtree property and a number of others in the Research Drive area. Mr. Mooney commented that Shelton's jobs are now in services and technology; there are no more factory workers left. They must accept that and adapt to it by providing quality housing, not another unused factory space.

Mr. Mooney stated that the "if you build it, they will come" theory worked in the movie "Field of Dreams," but it is not exactly a sound business model when it comes to a factory space in a State that is bleeding manufacturing jobs. He thinks that a beneficial theory is "those who are able to adapt will survive." Transitioning the property on Long Hill Cross Road into something that Shelton needs and wants and uplifting its economy with solid, workable plans with A.J. at the helm would mean that they are adapting to the times and serving their community faithfully. He thanked the Commission.

Chair Parkins requested that the microphone be adjusted and called the next speaker, Susan Fay.

**Susan Fay, 19 Freedom Way, Shelton addressed the Commission.** Ms. Fay indicated that she resided in Huntington at 19 Freedom Way which is a part of Heritage Point which was the first large development that A.J. Grasso constructed. She indicated that she sat on the Board that was appointed for the first round by A.J. who chose a president. She added that she served at the pleasure of that president. Ms. Fay stated that she was on the Board of Directors for that administration and the second round she sat as Vice President for 4 ½ years.

Ms. Fay stated that she and her husband have built four or five homes from scratch and this is one that stands out. It is their Omega home, where they are completely happy and delighted with the quality. They have known A.J. Grasso for approximately 9 years and when A.J. builds your home, he builds a home and not a house. She indicated that you develop a relationship with him as a friend. He does not disappear and you don't have to look for him under some rock or log, he is there any time you need him. During the construction of their homes, if he took a vacation, he would call you and tell you that he'd be gone for two weeks and provide a name/number of who's in charge. She stated that he called when he got a new cell phone to provide his new number – she asked who does that. He provided the new number so that they could reach him.

Ms. Fay indicated that when they were close to completion, the majority of the houses were done, he threw a picnic for them and it has since become the annual picnic at Heritage Point. Everyone looks forward to it and they do it on their own now. The first one was on A.J. He set the bar and they have a great time.

Ms. Fay commented that as a contractor, A.J. truly builds homes, not houses and the work sites are always safe and clean. She never went in, when under construction to find someone's Dunkin' Donuts cup or a half-eaten orange on a window sill. They treat it like it is somebody's home not a building site. His whole crew takes great pride in what they do.

Chair Parkins asked to interrupt for a second. She stated that she really appreciates the testimony that are given in regard to the credibility of A.J. and she also knows that he is an incredible builder but the application this evening is for a zone change – changing an LIP Zone to a Planned Development District (PDD) and that is what they really need to stay focused on for the application.

Ms. Fay commented OK, and indicated that her point is that if the Commission approves this application, she truly feels that it is to the benefit of the area – greatly to the benefit of the tax base for the town. She stated that they have 40 homes in their development and there are only five students using the Shelton schools. Their taxes average \$7,000 per house, roughly, out of the 40. A.J. Grasso's homes attract, at least demographically for their complex, empty-nesters and DINKS (double-income, no kids). It is a given and not a building put up in hopes that someone will lease it or a business that might work and then have it go south leaving a "For Rent" sign in the window with no one else there.

Ms. Fay stated that she has seen the plans and from a standpoint of safety, rolling back to her position on the Executive Board, you have parking pads for extra cars. A lot of developments in the area don't have that which makes it extremely difficult for emergency vehicles if you have to park your cars with one in the garage and one hanging out – these are things that need to be addressed and she thinks that he has covered all of that and it would truly be another jewel in the Shelton crown if the Commission gives him the go-ahead to do this. She thanked the Commission for their time.

Chair Parkins thanked the speaker and called Regis Dognin.

**Mr. Regis Dognin, 342 Long Hill Avenue, Shelton addressed Commission.** Mr. Dognin indicated that he resides at 342 Long Hill Avenue. He stated that on April 24<sup>th</sup> they heard over 2 ½ hours of presentation about the Hawk's Ridge presentation in glowing terms. He added that it was an expensive presentation in that every presenter was on the Hawk's Ridge project payroll. They should be absolutely clear that not a single one of those presentations was objective. Objectivity would require that the pluses and the minuses be brought out with equal strength and clarity – that didn't happen. Each presentation was tailored to give the best possible facts and benefits and persuade the Commissioners that the zone change should be adopted. The rose-colored glasses never came off.

Mr. Dognin stated that now it is time to look at the other side of the coin to focus on why this PDD request in this place is a bad idea. The merits of Hawk Ridge as a residential project is not the issue and by the way everyone is talking, he is very impressed by the quality of it.

- A. The issue is that this place is an LIP zone reserved for decades for Commercial/Industrial development. It was set aside for those purposes in the 1950's and 1960's by Frank Osak and Olie Stevenson to power the City's economic development for decades to come. Those plans were validated and confirmed again in the 2006 Plan of Conservation and Development (POCD). This PDD request turns its back on six decades of good planning and exceptional development that has made Shelton the envy of other cities and towns in Connecticut.
- B. The Hawk's Ridge development may bring great tax money into the City but the City does not need tax money at the cost of permanently losing a critical LIP resource which translates into the future development. The LIP can never be recovered. At this time, the City has continued for 7 years to maintain one of the lowest tax rates around with excellent collection performance.
- C. Traffic was discussed but two of the five traffic lights that access onto or off the Long Hill section of town – two were discussed. The worst scenario was not mentioned. Long Hill Avenue at Constitution Boulevard where he lives is heavily backed up on all weekdays when people go to work or between 3 p.m. and 7 p.m. People from Sikorsky Aircraft come through; people from the Shelton Heights industrial complex come there etc. it is a heavily used traffic area. There are many lights and people are trying to get onto Route 8 and fail. Two hundred eighty (280) additional vehicles in that LIP are going to make matters much worse.
- D. The Phase 2 Proposal for 80 Assisted Living beds will mean more emergency calls and trips by ambulances and EMS specialists with them. Typically there are multiple calls per day, many at night and each call causes two ambulances (this is by the rules, one ambulance follows the other by (inaudible)...) and one EMS vehicle with sirens blaring coming up Long Hill Avenue. Mr. Dognin added that they usually come over the bridge, up Bridgeport Avenue, over the bridge and turn on his corner and he gets to hear it from 360° and go to the existing facilities on the plateau which includes Bishop-Wicke,

Crosby Commons, Methodist Hospital, etc. This is very disruptive to residents. He adds that this happens at any hour of the day or night.

Fire calls to the Fire Stations at Echo Hose and/or Pine Rock Park cause further noise for residents as they go to the fire with loud sirens and again later when they return.

- E. Developers have always understated the future costs to the City of residential development and understated the benefits that would be derived for the City. He added that he expects that this case will be no different.

Mr. Dognin commented that he would like to provide an extract he made of the Plan of Development and highlighted some passages that he feels are significant. It was also a way for him to review it and he felt it was useful. He provided copies of the extract and the comments he just made to the Commissioners.

Chair Parkins commented that as a side note, she lives almost across the street from the ambulance facility so she hears them each time that they leave. She added that her first comment is "Thank God they are not coming to my house." She called the next speaker.

**Catherine Conti, 348 Long Hill Avenue, Shelton, CT addressed the Commission.** Ms. Conti provided copies to the Commissioners of her statement with accompanying photographs.

Ms. Conti read the following statement:

My name is Catherine Conti and I live at 348 Long Hill Avenue in Shelton. I am here tonight as a long time resident of Shelton. My dad was born in a small house on Long Hill Avenue, which over the years took on different shapes and sizes. During my grammar school days, I rode the bus to and from school, and I know every bump and turn on Long Hill Avenue, Long Hill Cross Road and Rocky Rest Road. One of my childhood friends lived on Platt Road, and when I would go to her house after school, we'd get off the bus on Long Hill and walk down Platt Road which at one time was a winding cow path and the only business on it was, believe it or not, a bowling alley.

I married my husband in 1981 and lived in Ansonia for 23 years. After my parents passed away, my childhood home sat vacant for a few years until we decided to tear it down and rebuild a more suitable home for four on that same site. So in 2005, we moved in, beginning a new chapter.

One of the first things we needed to do at the new house was to move our mailbox back over to our side of the street. The residents on our side of the street were forced to move their mailboxes to the opposite side when St. Margaret Mary Church and School were being built about 7 houses up from us and they needed a sidewalk for the school. So my parents really had no choice, the mailbox had to go. Back then it wasn't too much of a problem because there was no traffic. The amount of traffic travelling up and down Long Hill Avenue is much different now than it was 50 years ago. Not only is it difficult to get across the street because of the volume of traffic, but when it snows, the plows plow the snow so high that there is nowhere to stand when at the mailbox, therefore making it extremely dangerous. You needed to stand in the road to get the mail and then go back across the street. We contacted the customer service representative from the Post Office who assessed the situation and approved moving the mailbox back to our side of the street for safety reasons. Since we moved our mailbox, two of our neighbors also moved their mailboxes to a safer spot to retrieve their mail.

Some of you may remember Max Durrschmidt, also a long time Long Hill Avenue resident. Max lived directly across the street from us. Unfortunately, Max was hit by a car when he stepped back into the road to look at his Christmas decorations that he had just put up with one of his grandsons. He was hit by a car travelling up Long Hill Avenue at what was noted in the newspaper article as "someone traveling 40 miles per hour in a 25 mile per hour zone."

I have to say, Long Hill Avenue has become quite the busy racetrack or parking lot depending on the time of day. My daughter waits for the school bus between 7 a.m. and 7:15 a.m. and the amount of vehicles going to work or wherever they are going at that hour, is an eye-opener. One morning, while I was out there with her, one car actually passed another car, right at our driveway. This is a "no passing" stretch of road. During the afternoon rush hour the vehicles stack up in front of our house and you can't get in or out of the driveway.

The two busiest streets off of Long Hill Avenue are Platt Road and Long Hill Cross Road. A good portion of the traffic is generated from the many businesses located on these two roads. One of the biggest problems that we face at our end of Long Hill is that there are no "On" or "Off" ramps for Route 8 on either Platt Road or Long Hill Cross Road. We are two houses up from Constitution Boulevard and the Route 8 ramp. In our R-1 zoned neighborhood we even have 18-wheeled tractor trailers either going down the road to get to Route 8 or exiting Route 8

at Exit 13, then travel up Long Hill Avenue. I have included pictures that were taken this past Monday, May 20, 2013 from our front porch and on Tuesday, May 21, 2013 walking down Long Hill Avenue toward our house.

In closing, I'd just like to say that I am not looking forward to one more car, one more truck, motorcycle or one more tractor trailer passing through our neighborhood. The additional traffic generated from this proposed project which was discussed at the last meeting on April 24 is not acceptable. My family and I are against any zone change that would add 60 single family homes and 80 multi-family dwellings in that area for a total of 140 new residences and then a Phase II to the project that has not been discussed yet. Thank you very much for your time.

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

**Gil Pastore, 150 Yukata Trail, Shelton addressed the Commission.** Mr. Pastore stated that he came here tonight to say that he is not opposed to changing this piece of property to a residential zone. He commented that what has been presented to them for 60 single family homes and 80 multi-family homes goes far beyond what is coherent to this general neighborhood. He would not be opposed to a zone change if the homes were more in line with the R-1 zoning on this property.

Mr. Pastore stated that he wanted to bring it to attention that if they look at the topographical maps of this property, and if they allow something of this magnitude to go through, there is going to be a considerable amount of blasting on this property. He added that this is something that has not been brought up at all by the Applicant's counsel or anyone else here tonight. Mr. Pastore noted that essentially this development as planned, would be a cut – some type of building site – if they look at the topographical map they are going to have to come in completely cut the mountain out and put the houses in which would call for a massive amount of blasting.

Chair Parkins commented that those types of things would be discussed under a Detailed Development Plan and not discussed for the Request for the Zone Change. She added that is why it has not been brought up.

Mr. Pastore commented OK that was his point. He stated that if it goes to an R-1 zone which he's not opposed to or an R-1 for this type of property because you're not going see that much blasting. They will fit the properties and road structures into the topographical contours of the property without doing massive changes. Mr. Pastore restated that he was not opposed to the zone change but it has to be something reasonable and 140 units in just Phase 1 is far from reasonable. He thanked the Commission.

Chair Parkins thanked him for his comments and called the next speaker, Atty. Thomas.

**Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission representing the Wells family.** Atty. Thomas stated that Welkin Inc. [sic], the members of the Wells family and the individual owners of the properties that comprise the entire parcel that is subject to the zone change.

Atty. Thomas stated that he sat at the last meeting, listened to the comments and he has listened to the comments tonight and he is going to do something unusual and go back in history, look at documents and give them some facts about LIP corporate development and why zoning like it was 60 years ago is not the way the Planning & Zoning Commission should be going.

Atty. Thomas restated that he represents the Wells family so he supposes you could say, obviously, that he has a bias because his clients entered into a contract to sell the property. He read Alderman Anglace's letter before it was introduced and listened to the comments of Alderman McPherson. This parcel is comprised of three parcels of land. The site, in the past, was larger but was split when the State took Route 8. There is a sewer line that runs through it, there is a gas line that runs through it and there is a substantial amount of ledge as the last speaker stated.

Atty. Thomas commented about what has been the interest in the property over the last several years. They heard Thomas Wells speak about the fact about portions of this property – portions not the whole thing – was kept as a farm due to estate issues. He indicated that Tole Brothers

came and spoke to them about it, residentially, but the site work was too extensive for what they wanted to do. There was interest, and the Commission may be aware of this, in one of the smaller parcels off of Long Hill Crossroads by Robert Scinto to put an LIP building in. One of the issues which resulted in an appeal, because one of the issues was that along that area, to do it on that property created serious drainage issues impacting other large portions of the Wells family.

Atty. Thomas stated that there was also a company that wanted to put a warehouse to package and store trail mix there. He reiterated “warehouse” and commented that if they are defining that as economic development then this is a changed Commission from what it was in the past because it is a low grade, low tax benefit. But, it was the one “LIP” use that was approached in the course of this.

Atty. Thomas indicated that everyone who speaks about the POCD – the Plan of Conservation and Development – like it is some sort of a Bible and if you vary from it, lightning will strike you. He thought it was very interesting, and he wishes Alderman Anglace and Alderman McPherson were here because he prefers to address points to a person’s face, but he has to chuckle at the point about “dark-based zoning” as a reference in there and zoning “parcel by parcel.” He asked if they knew how Shelton got to where it is right now – the Commission zoned it parcel by parcel. He added that they were so far ahead of the curve with the PDD which is in effect, form based zoning and zoning based on bit. If you went down Bridgeport Avenue and took out all the taxes generated by their “dark-based zoning,” your PDD’s, then you’d probably have to raise your taxes. He stated that is the benefit.

Atty. Thomas indicated that the other benefit that this Commission has shown in the past is that it deviates and follows economic conditions. There are a couple of things that are very interesting and one is that, and the Wells family, if someone came along and wanted to build a large office building or a large industrial park, they would be more than willing to sell it to them but they aren’t out there. They haven’t been out and they haven’t been out there for the last 20 years. One thing about the last 20 years is that contrary to what has been said by some of the people here, they have not been in an economic downturn in the last 20 years. They had an economic downturn in the late 1990’s. In 1992, the City of Shelton did a Plan of Conservation and Development. In 1999, it a Route 8 Corridor Update. In 2006, they did another POCD. In response to the individuals who say “why don’t you zone it R-1?”, he recalls sitting here when the person from Planimetrics [sic] whose name he does not remember, stood up during the preliminary hearings and said that in this area, west, south of the center of Shelton (not in the north end), the preferential residential development should be cluster housing. Atty. Thomas indicated that got shouted down and he really feared for him at the time because people got very angry at him. The We Are One people, at that time, were saying “no you can’t do that.” It was what he was saying but obviously, it didn’t make it into the POCD because of the response from the public.

Atty. Thomas stated that this Commission is being asked to plan like it was 50 years ago. Fifty years ago there was a future looking Plan of Development by the P&Z Commission. With the help of Mr. Panico as your planner, PDD’s were used to develop a Route 8 corridor, an area that is the envy of every community in the State and certainly every community in Fairfield County. There is talk going on here that they are going to be losing such valuable space for LIP or Office. He indicated that the map he has put up is an exhibit that was presented by Atty. Bellis during the first hearing. It is a map that was done at the behest of his clients, the Wells family, in 1999. It is the Wells property and he showed the location of Bridgeport Avenue, the property they are concerned with today, the Wells property on the other side of Bridgeport Avenue and the Wells property on the other side of Long Hill Crossroads. He showed the portion again that they are concerned with today.

Atty. Thomas indicated that they had an engineer develop all of the Wells’ property and there are 2.7 million square feet available. In case they think that was something that was smoke and mirrors, in the 1999 Route 8 Corridor Update addressed to Mayor Mark Lauretti and John Anglace, President of the BOA from Richard Schultz, P&Z Administrator, it is identified in there in Study Area B. Study Area B was the area between Exit 12 and 13. The area of this study and he quoted from Page IV-3, “the area of this study contains approximately 220 acres of vacant, underutilized land capable of generating approximately 2.5 million square feet of gross building

area under current zoning (LIP, IA). The largest remaining continuous parcel is vacant land along this study area.” So, basically even in their Route 8 Corridor Update, they are agreeing - and this land is primarily still vacant. He reiterated 2.5 million and later on if you look at the Route 8 Corridor Update, the evidence presented and 1992 Plan of Conservation and Development – in 1992, it was predicted that just what was on the drawing boards then. He recalled that in 1992 they were still in a recession and everybody had stopped building spec office and LIP – that ended. They said in 1992 it would take 18 years to absorb what was being thought about.

Atty. Thomas indicated that then they had a boom and the boom really continued, except for the temp? level until 2006. He asked if the Commission had anyone standing before them in that period of time saying that they were running out LIP, they’re running out of corporate? As a Commission you were pulled a little bit kicking and screaming into doing something that was not recommended because in the Update – and other things – it said that they would like to see a little commercial. He commented that through the 2000’s what was happening was that they approved PDD’s creating very high end retail sites with very high end construction that generated enormous amounts of taxes to this town because they varied from both the Corridor Update and the Plan which looked a little bit askance at commercial at that time. Why? Because as it said in those plans and in generic planning, you needed to broaden the base. There was very little corporate and LIP being built because they have a tremendous amount of Class A Office in Shelton that becomes vacant and then gets refilled. Atty. Thomas provided examples of that such as Richardson Vicks, a large beautiful complex became vacant, gets filled with HealthNet, HealthNet leaves and it gets filled again. They had the Energizer building built and recently the Hubbell building – you build only for dedication. There are millions of square feet available for office and retail along this area. One of the things – and he went back to their 1992 Plan because there is a comment that he thought was extremely significant. He reiterated that this was in 1992 Plan and read “encourage the diversity of local employment opportunities in order to avoid to the greatest extent possible the negative effects of cyclical regional national economic trends.”

Atty. Thomas indicated that they presented a substantial amount of evidence in 1999 concerning what amount of corporate and what amount of LIP you had at the time and in the impact analysis that he presented as an exhibit he stated (not coming solely from himself but from the experts hired) “if there is an economic downturn as occurred in the early 90’s the absorption rate, or lack thereof, could create an economic problem for the City of Shelton. Corporate office zoned land is substantially less valuable than commercial or retail zoned land. The tax benefit of corporate offices is only realized when they are constructed, rented and filled with expensive personal property that can’t be taxed. Vacant office space and empty land in a zone as restrictive, in this case OPD, would be a drag on the economy of Shelton just as cautioned in the Plan of Development.” He commented that the same applies to LIP. He indicated that LIP doesn’t generate anything. LIP buildings are even less valuable as a tax base than office spaces. What is valuable about them is what is inside them.

Atty. Thomas stated that one of the interesting things about the comments about traffic is if there is a concern about traffic and you want office in LIP and you took this property and you took a quarter of that property and put manufacturing and office there the traffic counts would dwarf the traffic counts from the residential project. He commented that he thinks that they know that and he doesn’t think he has to go into detail because they have traffic counts from office buildings and from other types of things. So when you look at the facts and when you look at the reality, the success of the Route 8 Corridor is partially comprised of what was the foresight 50 years ago. It is not because you should plan like it was 50 years ago. It is because, with that foresight and with the idea, and he will tell them, he still has municipal attorney after municipal attorney, zoning attorney after zoning attorney, and planner after planner shake their head when they look at the PDD’s and they ask how you could be that successful.

Atty. Thomas stated that now, with form-based zoning becoming the way to go – and so that they know what he is talking about, he’ll give the example of 828 Bridgeport Avenue. It was a light industrial building about to be torn down and empty; it is now two restaurants that weathered the downturn better than anybody, a bank and a hotel generating hundreds of thousands of dollars in taxes more than even a new light industrial building would have done.

Atty. Thomas indicated that he was on that site when they made it a PDD and they put setbacks allowing the buildings to be appropriately located because of what was next to it. They required walls, trees, looked at the site, zoned for the site and zoned for the need.

Atty. Thomas indicated that the one last issue he wanted to address was the issue of school children. This relates to something else that he was going to say. After all he has said and pointed out, they are welcome to go and look at it. There is one person who said to him that one of the greatest pleasures that he had was proving him wrong on something. So he asked the Commission to go out and prove him wrong. He asked them to go out and find an economist, find a realtor, or find anybody who contradicts it – that says that they will have LIP growth and office space like they had 30 or 50 years ago; that people are going to start building office buildings, that people are going to start building LIP, that people are going to need a lot more square feet, that they are going stop using and manufacturing modern robots and technology that will reduce the amount of square footage needed to produce things cheaper, that they will have office buildings that will now be loaded with workstations, there will be a resurgence (go buy Dell Stock) in computer stations with no more laptops, no more notebooks and no more smart phones. All of which have reduced the need for office and in fact, LIP.

Atty. Thomas stated that the other thing is these comments made about children. He asked them again, they sat there as a Commission for many years –to show him one project in which they feared there would be too many children in which there actually were. He reiterated that were not any. The reality, forgetting about what the studies say, the reality is that in cluster housing, there are no children – well not none, but very little or much less children than anticipated.

Atty. Thomas indicated that he is here representing clients who want to sell their property. Tom Wells made a pitch to you and he said that they are all older now and they want to be able to do it. He added that it isn't a reason to change the zone, but he is giving them the facts. The facts that they have before them as a Commission – not personally, because he thinks that the only Commissioner that was here on the Route 8 Corridor Update was Commissioner Pogoda in 1999 looking at the list of names. But Commissions that have gone before you, had deviated from what was thought about four or five years before, because there is a need. He asked them to focus on the economic and the demographic needs that are occurring now. It doesn't mean that you can't look into the future. If they need to look into the future, then hire your own independent economist and look into their own independent demographer.

Atty. Thomas stated that he says that right now they will find no one, not one person, with any expertise that will tell you that Shelton is in any danger of running out of LIP or corporate land. For the next – well, until the turn of the next century – they have quality office space, quality manufacturing space that will become vacant and refilled. Also, they have more than enough land to build new and they will stay well ahead of any need that there is and still remain the desirable community that they are because they've come full cycle - from 50 years ago with corporate, LIP with a little bit of a push to services, retail, commercial, banking, daycare, then beginning in 2004, with the Renaissance, housing within the Route 8 Corridor. He mentioned Avalon, other types of alternative housing, all of which is necessary. They have completed the cycle. It took them a number of years similar to what other planning areas have done.

Atty. Thomas added that he's sure that Mr. Panico can verify this - in other areas like Virginia, Maryland, where they build entire communities that have corporate, LIP, commercial, retail and housing all in one. They have done it in an entire corridor. He stated that on behalf of the Wells family, he is asking that when they are doing the zone change, don't be impacted by their sympathy, don't be impacted by comments, generic comments about what the POCD says – look at the facts and if they believe, and he wishes that Alderman Anglace and Alderman McPherson were here, because if you believe that there is going to be some miraculous resurgence of LIP or corporate then he asks the City of Shelton to put its money where its mouth is and to the dismay of the developer step in and buy it. Buy the Wells property, bank it, and make an enormous amount of money when they sell it in five or seven years to these mysterious people who are going to build new LIP or new corporate buildings, if they ever exist. He thanked the Commission.

**Robert Neidermeier, 600 Bridgeport Avenue, Shelton addressed the Commission. Mr.**

Neidermeier indicated that he was one of the owners of Far Mill, LLC and Honey Cell the

converting company located at 600 Bridgeport Avenue. He indicated that the Commission heard a little bit before about some of the things that have come up over the last month. They came here about a month ago on their heels trying to figure out what the impact was going to be because they are one of the manufacturing companies that are left here in Connecticut. He added that it is hard for them to continue to stay here but they are proud that they are here and in Shelton.

Mr. Neidermeier commented that they look at their land and they don't want to have any impact so they started looking at what kind of impact there would be from having residential development right next to them. He commented that they do emit noise but they are well within the limits of what is out there but with a residential neighborhood they weren't sure how it would work. He stated that not having that limit constrain them, to have a residential area come in to us is a good thing. It is one of the things that their lawyer is going to talk about some of the specifics and some of the changes to the PDD should it be approved that they would like to see in there. Additionally, he'll talk about the land swap which allows somewhat of a buffer there. It is kind of a sloped area so between that and the drainage. He knows that are going to be dealing with some of the drainage anyway on the road bed. They don't see any negative impact on their facility and for them that would be their main concern. The Commission has the tough enough decision ahead whether they go one way or the other and they appreciate that but as far as they are concerned, they feel that the agreement that they've come upon over the last month is going to work in a way that won't impact their production facility at 600 Bridgeport Avenue. He thanked the Commission.

**Atty. Bill Kupinse, Goldstein & Peck, 1087 Broad Street, Bridgeport CT addressed the Commission.** Atty. Kupinse introduced himself as an attorney from Goldstein & Peck in Bridgeport and he represents Far Mill LLC, the owner of the commercial property which is adjacent to the development and Honey Cell Inc. which is the operating company that is a manufacturer and they are proud to be there as a manufacturer in Shelton.

Atty. Kupinse stated that he has heard some nice things said about A.J. Grasso and also his attorney but as the Commission points out that is probably because they are nice that it works out very well too. In terms of the issue before the P&Z Commission; however, it is an issue of zoning and there is no question that they have a PDD provision in your zoning regulations and that is what the application is being made under.

Atty. Kupinse commented that in terms of the PDD there are certain findings that are required for the Initial Development Concept approval in Section 34.8 and as Mr. Neidermeier pointed out when they were first faced with this development they had some question as to whether those initial findings could be made by this Commission. Atty. Kupinse stated that he is pleased to say that they had a conference with A.J. and his attorney, Mr. Bellis and they have come to an understanding about some of those issues that they thought might be a challenge.

Atty. Kupinse indicated that as his client mentioned and as Atty. Bellis pointed out at the beginning of this meeting, they are swapping two parcels of property. The parcel that is the upper triangle that they are getting is a parcel that will be valuable to them because even with the initial plans that they brought before the town, they were building a factory in the lower part but they had plans for expansion up into that part so it will be helpful to them to have evened out the property line and provided an area for a warehouse manufacturing-type of facility up in that area in the future eventually. As far as the property that they are giving, they think it will be beneficial to the Applicant because it does provide, not access, but a corridor that goes right down to Route 8. It does improve the open space situation there.

Atty. Kupinse stated that one of the other agreements that they reached was with respect to drainage and the end of the road. He told them that they have a drainage problem right now that comes off Long Hill Crossroad and the water comes down into their property. They believe that will be alleviated by the development that is going on and it will also help their access onto the Crossroad to get out of their factory.

Atty. Kupinse indicated that the other couple of items that they dealt with, with the Applicant were the question of setbacks and they've agreed to set back the property far enough from the border so that they feel that there will be no impact on his development or on their factory. He

commented that they were there first and they would like to continue to be able to remain there and continue to manufacture.

This brings them to the fourth item which is the question of noise. Atty. Kupinse stated that they do have an agreement concerning the noise that the factory will produce. Right now they are completely within the limits of the Noise Ordinance in town. They produce no more than 70 decibels of noise at the plant which is within the limitation. If they were to put a residential area near them, when they emit their 70 decibels, it could cause problems with the residential area but they have agreed that they can be grandfathered as to the 70 decibels that they create.

Atty. Kupinse suggested that should be a part of any approval. He commented that he thinks that Atty. Bellis will give them a proposed amendment to this condition with respect to the application.

Atty. Bellis stated that your (inaudible) don't emit that much right now.

Atty. Kupinse responded no they don't.

Chair Parkins asked Atty. Kupinse if they do periodic noise testing there.

Atty. Kupinse responded yes, they do noise tests and they are within the noise limitations on their property.

Chair Parkins commented OK, they just don't know what (inaudible)...

Atty. Kupinse stated that if you are familiar with the Noise Ordinance, which he suspects some of the Commissioners probably are, the noise is measured not only by what they create but what a receiving party gets so that is why it is important.

Chair Parkins added that it is usually measured at the nearest receptor.

Atty. Kupinse commented yes. It may be that they actually will not even need that grandfathering clause because as they know, if they go to their facility they are in the down portion of the property and there is a rise behind them. The proposed development would be on top of that rise, so it is likely that the noise will be bouncing off of the hillside rather than bouncing off the residents of the development. But they believe that has been taken care of.

Chair Parkins commented that could go both ways – it could go the opposite way too.

Atty. Kupinse concluded that all in all they believe that the conditions that are required under the PDD for the initial findings have been met as far as they were concerned. They don't speak to many of the concerns that have been raised and that is for this Commission but they, as a good industrial neighbor, can live with this development. Atty. Kupinse indicated that they have no objection to the proposed development. He thanked the Commission.

**Skylar Wells, 5 Boysenberry Lane, Shelton addressed the Commission.** Mr. Wells stated that he was a 12<sup>th</sup> generation Wells and he is here to speak not only on behalf of the PDD but he wants to give the Commission a little background on the Wells family.

Mr. Wells commented about the map that Tom talked about and that he wasn't able to attend the last meeting. He reiterated that he was the 12<sup>th</sup> generation. He is 47 years old and his two sons still live in Shelton. He indicated that back in 1919, when you talk about a PDD, CL&P took by eminent right of domain, part of the Wells Farm. He commented that no one would be sitting here right now in a room with lights on if CL&P didn't put the power through the Wells Farm.

Mr. Wells stated that they also would not have a gas line in Shelton if it didn't get put through in 1990 when Iroquois took it by eminent right of domain the gas line to come through the Wells Farm. Every time – in 1974 the State of Connecticut by eminent right of domain, took 28 acres and split his grandfather's farm and what is known as the Lyman Wells Estate. He added that his uncle passed away two years ago, where Health Net is located right now and where Robert

Scinto built his building. In 1974 they took 28 acres by eminent right of domain at the Route 8 Corridor.

Mr. Wells stated that everybody is here – it is the same people that he sees – Gil Pastore, he was on the BOE in 2003-2005 – he applauds him and everybody that is here. He mentioned Bill Banfe who is a great educator in the City of Shelton. There is always an impact whenever there is a zone change but this is a positive zone change. Shelton is evolving. Joe Salemme came to his father in 1995 after the We are One banners went up – he was trying to get a gas station at the bottom of Long Hill Crossroads. Everybody shot it down and said that they were too many gas stations. Mr. Wells indicated that Joe Salemme is a year older than him, came to his father and proposed putting a gas station on Old Stratford Road. At that time it was just a rock pile. His father blasted it down and it is the pride and joy of Shelton and the busiest gas station in the State of Connecticut. He has seen everybody who voted against it using that gas station. It is the same thing with Monty and Jim Blakeman's Split Rock – it is the same thing. Shelton is just a huge community of evolution. Mr. Wells stated that he lives in a 3,400 square foot house and has two children, 20 and 24 and he is ready to move into a place built by A.J. and Joe Salemme. Not because he is a Wells but because he needs to downsize, move on with his life, and they are awesome builders. He asked them to look at their track record.

Mr. Wells stated that his father, his uncles sitting here, could have sold out years ago but they didn't want to, but they kept it, the integrity. His grandmother and grandfather kept the farm as it is. There is going to be no impact – he stated that when he was on the BOE from 2003-2005 they did the long range study on Tole Brothers moving into White Hills. His father was building the old Dairy Estates with Doug Nolan up there. Everybody said that all the schools would be overcrowded and there would be nowhere for all these kids to go. He added that there was no impact.

With the guidance of Rick Schultz, Tony Panico and the Commission, they are heading in the right direction and they have to be proactive in doing the right thing. LIP is a thing of the past and they have to just move forward in a positive way. He thanked the Commission.

Chair Parkins asked if there was anyone else in the audience who didn't sign in that would like to speak for or against this proposal.

**Mr. Irving Steiner, 23 Partridge Lane, Shelton, CT addressed the Commission.** Mr. Steiner asked if there was a traffic study on this current (inaudible)...

Chair Parkins responded yes and held up a 1-2 inch thick prepared booklet containing the traffic study.

Mr. Steiner asked what it calls the section of Bridgeport Avenue headed south towards Split Road.

Chair Parkins asked if he wanted to know what they call it.

Mr. Steiner responded by asking what rating it has gotten.

Chair Parkins commented that she wasn't sure if he was referring to the intersection.

Mr. Panico commented that he wasn't sure either.

Chair Parkins asked Mr. Steiner if he was talking about a specific intersection and how it is rated.

Mr. Steiner asked about the intersection at Split Rock on Bridgeport Avenue heading south away from Shelton Center.

Chair Parkins commented OK, the main intersection with Commerce Drive. Looking through the traffic study, she indicated that it was a Level (inaudible)...

Mr. Panico asked Mr. Steiner what he wanted to know about it – the Level of Service.

Mr. Steiner responded yes and asked what the rating of it was.

Chair Parkins commented that she thought it was a Level D but she could be wrong.

Mr. Schultz stated that it was the traffic light on Bridgeport Avenue at Old Stratford Road and Commerce Drive. He found the information in the traffic study for the light at that intersection for morning peak hours.

Chair Parkins stated that according to the chart in the current traffic study, the weekday morning peak hour it is a Level of C existing and with improvements it would still be rated a Level C. She added that weekday, mid-afternoon peak it is rated F.

Mr. Steiner commented that it was rated F before Split Rock was put in.

Mr. Panico stated that before Split Rock, it was an entirely different intersection. He added that he wasn't sure where he was going with this.

Mr. Steiner stated that Split Rock attracts traffic.

Mr. Panico responded yes, and that is why Split Rock had to pay for all of those improvements.

Mr. Steiner asked if he thought it pulled it down from F to C.

Mr. Panico responded that he doesn't know that. If their Traffic Engineer was here, he could answer that for him. They are just trying to glean it from his report. He asked if he was concerned about the southbound component.

Mr. Steiner commented southbound from Shelton Center on Bridgeport Avenue at that intersection. He sits there for three lights to make a left hand turn on to Old Stratford Road right now.

Chair Parkins asked if he was going northbound.

Mr. Steiner responded turning left at that intersection going onto Old Stratford Road.

Mr. Panico asked if he had to wait for three lights.

Comm. McGorty commented that he means going toward Route 8.

Mr. Steiner responded yes.

Mr. Panico asked what time of the day.

Comm. Dickal responded any time of the day.

Mr. Panico responded that is not true.

Chair Parkins stated that it was not true. She travels that road all the time.

Comm. Dickal commented that with no disrespect to the Commissioners present, she lives off of there.

Chair Parkins stated that she travels there every day to work.

Comm. Dickal stated that just coming here today – between there and down to here – there is a point...

Chair Parkins commented that there was no point in getting into an argument about this.

Comm. Dickal responded that she wasn't but there is a point.

Chair Parkins stated that they are going by the facts here and she is sure that the Applicant will address the concerns in his rebuttal. She indicated that they had two more pieces of correspondence submitted by residents.

Mr. Steiner stated that the traffic reports seem to be a bit in the Mickey Mouse area.

Chair Parkins asked Mr. Steiner if he read the traffic report.

Mr. Panico held it up and asked him if he went through it.

Mr. Steiner responded no.

Chair Parkins asked how he could possibly make that comment.

Mr. Steiner asked how it could be C when it was F before Split Rock was put in. The corrections that were made on Split Rock did not reduce the traffic.

Mr. Panico responded that the nature of the improvements before Split Rock and after Split Rock are two different things.

Mr. Steiner asked what has decreased the traffic.

Mr. Panico responded that the traffic did not get decreased – it was not reduced, the capacity of the intersection was improved by adding turning lanes.

Mr. Steiner commented down to a C – that is hard to believe.

Mr. Panico stated that he was not a traffic engineer but neither was Mr. Steiner. He added that they have an expert's report which states that is what it is. If he has reason to challenge his conclusion, then submit some proof and it will be a part of the record. Mr. Panico commented that he does not know what else to tell him.

Mr. Steiner asked if he said “you don't know what to tell me.”

Mr. Panico responded yes, that he does not know how to answer him.

Mr. Steiner stated that he figured they would have trouble with it.

Mr. Panico indicated that his personal experience differs from his own experience.

Mr. Steiner responded that it wasn't personal experience – he read it off of a traffic report before Split Rock was put in.

Mr. Panico stated yes, that's correct. He added that he didn't dispute that, he probably did read that but in conjunction...

Mr. Steiner stated that he went for three lights to make a left hand turn.

Mr. Panico stated that he wanted to finish his comment. He told him that what he saw as that level of service prior to Split Rock is not the same intersection that was evaluated by this traffic engineer today. There were hundreds of thousands of dollars spent on the improvements to that intersection and apparently the net result was to pull the level of service, according to his report, down to C.

Mr. Steiner commented that the Exit from Split Rock onto Old Stratford Road is constantly violated with a turn to the left. They put an island in there and it is not doing the job.

Chair Parkins addressed Mr. Steiner and said that it happens to be a State road so maybe the State Traffic Commission is who you should be complaining to if the traffic light is too long for

you to pass through it. She added that this Commission does not control the traffic signals on Bridgeport Avenue.

Mr. Steiner commented that no one was responsible for that, he agreed.

Chair Parkins stated that they do not have responsibility for the timing. When projects are proposed the Applicant must work with the State Highway Department for any improvements. They review these applications as well. So, they will review the traffic study and the improvements that are proposed and they will determine what additional things need to be done such as timing. There are lights on Bridgeport Avenue, that she agrees are too short to turn, but that is something that she will have to live with if she chooses to use that road.

Mr. Steiner stated that he wasn't going any further with this.

Chair Parkins responded thank you and asked the P&Z Secretary to read the correspondence from the residents.

P&Z Secretary Virginia Harger read the first letter from Donald Sosenko, 5 Woodbridge Manor Road in Ansonia, CT dated May 12<sup>th</sup> addressed to the P&Z Commission.

**\*See attached correspondence dated May 12, 2013 to the Planning & Zoning Commission from Donald Sosenko.**

Comm. Harger read the second piece of correspondence, an email from David Edgeworth.

**\*See attached correspondence addressed to Richard Schultz, P&Z Administrator from David Edgeworth.**

Chair Parkins asked what that letter was pertaining to.

Mr. Schultz responded it was an observation from the Far Mill River.

Chair Parkins asked if he would be for or against this application.

Mr. Panico commented that he didn't really know.

Mr. Schultz stated it was just an observation about the Far Mill River.

Chair Parkins commented that there was no one else in the audience wishing to speak so she asked Atty. Bellis to proceed with his rebuttal.

Atty. Bellis addressed the letters from Alderman Anglace and Alderman McPherson. He commented that he didn't know if they were writing in their individual capacities but he heard it mentioned that they were on the Board of Aldermen. Atty. Bellis indicated that he wanted to make it perfectly clear for the record that the Charter is very clear under Section 4.4 "the Board of Aldermen have the powers and duties of a legislative body to enact ordinances and regulate borrowing of money by the City." He added that under Section 7.6 they can review and adopt budgets and set tax rates and mills but what they don't have is the ability to comment, as John suggested, on zoning applications. If they are doing it as individuals, they have every right to do so. If they are cloaking themselves as BOA, then he has a problem with it.

Atty. Bellis stated that the statutes are clear and the case law in Connecticut is clear, 5.1.4 "the Planning and Zoning shall have such duties as are provided by the Connecticut General Statutes." Back in 1959, Connecticut General Statute 8.2 was amended and it allowed flexibility to PDD's as a means of providing flexible zoning and it was upheld by their Superior Court.

Atty. Bellis stated that the Office of Legislative Research did a report in 2006 to the legislature talking about alternative zoning techniques, and in it they cited the case he mentioned and said that these PDD's provide flexibility in zoning. They went on to cite a case, Blakeman vs. Planning & Zoning Commission where the Appellate Court upheld the Commission's function in their legislative capacities on acting on applications to create Planned Development Districts and

it said “as a result the Commissions have broad discretion.” He added that is the Commission’s job. He continued “the legislative discretion is wide and liberal and must not be disturbed by the Courts unless a party aggrieved by the decision establishes that the Commission acted arbitrarily or illegally.” He commented that the case says that “zoning must be sufficiently flexible to meet the demands of increased population and evolutionary changes.” Atty. Bellis stated that they’ve cited Shelton and recognized what they’ve done with their PDD’s and said that it is for the Commission to decide and not the Board of Alderman.

He added that he takes exception with John’s remarks that it should have been brought to his attention because he represents the elected people of the town. He added that he was a friend of John Anglace and they all know that.

Atty. Bellis discussed the POCD and commented that it is a guide and in it says that “the Plan of Development is a dynamic document and subject to change when necessitated by unforeseen conditions affecting Shelton in the future.” He added that this statement is right in the POCD and the POCD that he is referring to is in 2006.

He asked if anything has happened economically after the Plan of Development in 2006. He commented that in 2008 there was a horrific recession. The reports he read said that it was the worst in over 75 years, a major geo-political setback for the U.S. PEW estimated that 5.5 million jobs were lost due to slower economic growth. He stated that Shelton was a city with big change and that change has affected that Plan of Development because that Plan of Development was informed prior to 2008 recession so things have changed.

Atty. Bellis said that he would make the analogy to the Constitution. You can’t always foresee something that is going to happen economically or technologically so there are changes that happen. He commented that the Plan is a guide and that guide is nothing more than what it is. It is a guide. It is really up to this Commission to decide on whether the economy or something has changed where you no longer have to follow the exact Plan of Development. He commented that he thinks that there has been significant testimony that they’ve heard that there is no longer the need for the LIP or the office space in Shelton that they once had. He added that he thinks that the Commission has understood and heard that with the cluster developments, it is not the same as it was many years ago when they had the 2.5 kids and the one acre zoning. These cluster homes do not attract the young children and therefore, it is a financial benefit to the town of Shelton because of the taxes that they are going to produce without the drain on the City’s resources for educating these kids, or in this particular case, taking care of the roads because they are private.

Atty. Bellis indicated that after the last hearing, he spoke with Mike DeAngelis who is the Chairman of the WPCA who came to speak to the Commission. Mr. DeAngelis told him that he was not against this project. The Commission knows and Mr. DeAngelis agrees that there is capacity available at the treatment plant and that is really what they are here for. As long as there is capacity, that is one of the findings that the Commission can make to approve the PDD.

Atty. Bellis commented that he told Mr. DeAngelis that he understands his frustration with the sewer shed areas. He went back and on June 14, 2006 he found the minutes for an approval when Bob Scinto wanted to do something for a small portion of this site and he wanted to use 9,750 gallons per day. The meeting minutes clearly states that capacity was available, this is in 2006, however, there was a problem with the sewer shed areas. So, this is not a new problem. They have had this problem since 2006 with the allocation for sewer shed areas.

Atty. Bellis commented that Mr. DeAngelis discussed problems they have with Center Street and they are replacing the entire line on Center Street. He is a volunteer and he is doing the best he can and trying to plan ahead for the future but there has been challenges to the WPCA since 2006 (inaudible)...

Atty. Bellis stated that he thinks that the bottom line here, he has Chris here who is the expert who spoke. He thinks that if you have any questions, he adequately handled the idea that they are probably not going to get LIP or corporate anytime soon. Atty. Bellis stated that he thinks he tried to clearly show the Commission that if they were able to build these units similar to Heritage Point, similar to the other cluster developments, it is going to be a financial benefit to

the town. He added that it sounds like the people that live there like it, he thinks their town would enjoy the additional tax revenue. He mentioned that he talked about waiting and hoping that something may change. It would be lost opportunity because you aren't going to be able to tax that land for the next 5, 10, 15 years, at the rate they will when there are houses on it. He said that he thinks the big point is that when they make this zone change, they have to look at the second component which is the Assisted Living which they are asking for in Phase 2. There is no traffic issue with the Assisted Living Facility because they don't have cars and again it is a financial money maker. He asked the Selectman in Trumbull what he thought, he said that if Shelton doesn't want it, please send it over to him. When Atty. Bellis asked why he was told that they just approved 126 units and they think it will be about a half a million dollars in revenue for the town of Trumbull. He commented that the combination of both the assisted living, having (inaudible) traffic issues that some of the people have spoken of and cluster housing which has more empty nesters and less children than traditional R-1 zoning will, in all likelihood be of financial benefit to the town economically and apparently for the people that live there, a need.

He commented that in his last quoting of the long range Plan of Development, alternative living, aside from the traditional R-1 home, is the way that the demographics are looking with more people becoming older in the community and less young people moving in; it is just a trend.

Atty. Bellis stated that he has plenty of other photos he can show them with lease openings in town. He thinks the all the Commissioners know Bridgeport Avenue. There are quite a few things but he thinks Atty. Thomas addressed many of the issues that he was going to cover. He would be happy to answer any questions that they have. He indicated that Chris, A.J., Alan Shepard are present. They will come back with Detailed Development Plans and some of the details can be worked out at that time but he thinks overall asking you to go ahead and approve the PDD. Assuming that they get the units that they are talking about they will get the additional benefit of making some of the improvements to the roadways that some people were talking about that were not caused by them but would be remedied by the Applicant, not only the intersections but also the problems with storm drainage on Long Hill Crossroad and some of the intersections that their Traffic Engineer talked about.

Atty. Bellis stated that he sees a lot of upside on this project. They have a track record, use local people, and in looking at the application as a whole, he really thinks it is a good thing for the town. They are willing to invest a lot of time and money and he thinks that they have a strong belief that it will be successful and that is what they want. He hopes that they view it beneficially and if they have any questions on the details, they will come back to see them and they can iron out some of those details.

Chair Parkins asked if the agreement with the Far Mill, LLC and Honey Cell was between his client and Honey Cell or was it between the Wells' and Honey Cell.

Atty. Bellis responded that it was between his client and Honey cell, not the Wells' and obviously, it is conditioned upon the approval of the application and they are aware of that because they don't own the land at this point.

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

Comm. Dickal asked about the townhouses. She commented that the drawings show – and if these homes are for people who would be downsizing – each spouse would probably have a vehicle. She asked if there would be extra parking at this facility, if there were to be another adult – a grown child that needs to return home or a child who graduates from college and needs to return home.

Atty. Bellis responded yes, he has three of those.

Comm. Dickal stated that she does too.

**A.J. Grasso, 15 Beechtree Hill Road, Shelton, addressed the Commission.** Mr. Grasso indicated that he was the Applicant and responded to the question regarding additional parking. He stated that for the condominium units, it doesn't necessarily show it on that particular plan

but they have an optional plan for a 2 car garage. They also have a lot of additional parking and his engineer, Alan Shepard will show them where the additional parking is located for the condominium units.

**Alan Shepard, P.E. addressed the Commission.** He showed the location of additional parking up by the clubhouse and as they have in Heritage Point, they have parking pads throughout the property that work out pretty well. He showed other locations for additional parking at locations around the green spaces on the plan. He indicated that he tried to get a few additional parking spaces scattered throughout the development.

Comm. Dickal asked how many additional parking spaces they have for the facility.

Mr. Shepard responded that there are at least two for each unit.

Comm. Dickal asked how many in general – she asked if they have extra parking, for example, if someone wanted to use the clubhouse for a bridal shower or whatever and guests are coming. She asked how many additional spaces there would be and would they be an intrusion on other people living there.

Mr. Shepard responded no, there are extra and they also have – and he isn't counting – each one of these units are set from their street by over 20 feet so you could park additional cars right in front of the property. So with that scenario, he's accounted for that.

Mr. Grasso added that there are also an additional 27 parking spots at the clubhouse.

Chair Parkins stated that to clarify, these are the kind of discussions that they would have if the PDD gets approved – they would have to return for the approval of the Detailed Development Plans.

Comm. Dickal stated that just to be biased and focus on what is going on.

Chair Parkins commented that she just wants her to understand, they would have to come back for the final plans and they could discuss those types of things. She asked if there were any further questions or comments. With no further discussion, she asked for a motion to close the public hearing.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to close the public hearing for Application #13-5.**

#### **ADJOURNMENT**

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 8:50 p.m.**

Respectfully Submitted,

*Karin Tuke*

P&Z Recording Secretary