

**SHELTON PLANNING & ZONING COMMISSION** **NOVEMBER 12, 2013**

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, November 12, 2013 at Shelton City Hall, Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06484. The Chairperson reserved the right to take agenda items out of sequence.

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

Staff Present Richard Schultz, P&Z Administrator  
Anthony Panico, P&Z Consultant  
Karin Tuke, Recording Secretary

Tapes (1), correspondence and attachments on file in the City/Town Clerk's Office and the Planning and Zoning Office and on the City of Shelton Website [www.cityofshelton.org](http://www.cityofshelton.org)

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

Chair Parkins called the regular meeting of the Shelton Planning & Zoning Commission to order at 7 p.m. with the Pledge of Allegiance and a roll call of members present. She reviewed the procedures for cell phone usage during the meeting and indicated that the first agenda item would be for a public hearing to reconvene for Application #13-12.

**APPLICATION #13-12, LDL PROPERTY, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (CHILD DAY CARE CENTER), 48 LONG HILL CROSS ROAD (MAP 50, LOT 16), LIP DISTRICT (Continued from 10/23/13).**

Chair Parkins indicated that the Commission has accepted a letter requesting withdrawal from the Applicant of Application #13-12. She stated that in this case, they would reconvene this public hearing, accept the letter of withdrawal and then close the public hearing. She reconvened the public hearing and requested a motion to accept the letter of withdrawal.

Mr. Schultz suggested that the Chair make a reference to the content of the letter.

Chair Parkins indicated that she would read it. She read the letter addressed to Richard Schultz, P&Z Administrator and the P&Z Commission from LDL Properties, LLC and Wonder Years Learning Center, LLC stating that the Applicant, Laura Lipinski, Managing Member informs the P&Z Commission that she would be withdrawing her zoning application for a daycare center at 48 Long Hill Cross Road.

**\*See attached correspondence to Richard Schultz, P&Z Administrator dated November 12, 2013 from Laura Lipinski.**

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to accept the letter of withdrawal for Application #13-12.**

Chair Parkins requested a motion to close the public hearing for Application #13-12.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to close the public hearing for Application #13-12.**

**AGENDA ADD-ONS**

Chair Parkins stated that they have four agenda items to be added on under Old Business. She requested a motion to add Separate #6632, Separate #6633, Separate #6580 and Separate #6581 to the agenda.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to add the following items to the agenda under Old Business – Applications for Certificate of Zoning Compliance:**

**Separate #6632:** Physically Fit LLC, One Parrot Drive, Business  
**Separate #6633:** In Touch Therapeutic Body Works, One Parrot Drive, Business  
**Separate #6580:** Urban Exposition, 2 Trap Falls Road, Business  
**Separate #6581:** Globex International, 100 Beard Sawmill Road, Business

**OLD BUSINESS**

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

**Separate #6601: Tina Lazri, 19 Kneen Street, Business**

Mr. Schultz indicated that at the direction of the Commission, a referral was made to the Traffic Authority which is the Shelton Police Department. The Commission has received a letter from the Police Chief Joel Hurliman. He provided a copy of the letter to the Applicant, Tina Lazri who was present at the meeting.

**\*See attached correspondence dated 11/6/13 to Richard Schultz, P&Z Administrator from Police Chief Joel Hurliman.**

Mr. Schultz read the letter regarding Artan's Pizza request for an expansion of the pre-existing, non-conforming use in a fairly congested traffic area. The letter indicated that Artan's Pizza was located adjacent to both the entrance and exit 14 ramps from Route 8 North with little to no off-street parking associated with the proposal.

The letter indicated that the split of this non-conforming use as two separate businesses with one involving the sale of alcohol will likely increase the congestion in this area due to the limited parking and it may impede pedestrian traffic.

The letter also included traffic accident history information and the Police Chief concludes that from a traffic safety standpoint this expansion of a non-conforming use would not be recommended at this time.

After reading the letter, Mr. Schultz explained that at this point it would be up to the Commission to discuss it and render a decision; however, the Commissioners did want to hear from this Traffic Authority before rendering its decision.

Comm. Flannery asked if they want to make it like a bar and serve alcohol.

Mr. Schultz responded no, it is Artan's Convenience Store which has a pizzeria component in a convenience store. They would like to obtain a beer permit. The State Liquor Commission has informed Artan's that is fine but they would like to have a solid wall to create two separate entities.

He stated that before doing that, as with all business occupancies, it has to come before this Commission. Mr. Schultz indicated that this situation is unique in that it is located in a residential zone. It is an R-3 zone so the Commission has to use its discretion when considering a situation like this. It is up to the Commission to discuss the merits of it, the circumstances surrounding it, and to ultimately make a decision. He reiterated that they have heard from the Traffic Authority; they are recommending (inaudible)...

Comm. Harger asked what the statement of use was on the application.

Mr. Schultz responded that the proposed use for #6601 is grocery/deli but he would read his letter to the Police Chief because it goes into more detail.

**\*See attached correspondence from Richard Schultz, P&Z Administrator to Police Chief Joel Hurliman dated 9/18/13.**

He read the letter indicating that after the Sept. 10<sup>th</sup> meeting of the P&Z Commission; they requested the Traffic Authority to evaluate the traffic condition in front of the Artan's Convenience Store/Pizzeria located at 19 Kneen Street and adjacent to the Exit 14 off ramp. The Commission is considering an application from Artan's to subdivide the store into two separate businesses – one for the pizzeria on the left side and one for the convenience store on the right side. Insofar as this is a congested area, the Commission requests recommendations from the Traffic Authority that may improve the traffic circulation in this area. The Commission will be discussing this matter at their October 8<sup>th</sup> meeting.

Mr. Schultz commented that it was discussed at the October 8<sup>th</sup> meeting but the Commission had not yet received the letter from the Chief of Police until tonight. He stated that they have an Application for Certificate of Zoning Compliance to subdivide the Artan's Convenience Store into two separate entities.

Comm. Flannery asked how this business came into existence in the first place if this is an R-3 zone.

Mr. Schultz responded that it is a pre-existing, non-conforming. He added that this store goes back to the 1950's. He went there as a young person in the 1960's.

Comm. Flannery asked if it was within walking distance of the Avalon apartments.

Mr. Schultz responded no, it is on the outer fringe, it is right near the Route 8 ramp. He added that it was across the street from the Good Sheppard Church.

Chair Parkins commented that this would be an expansion of a non-conforming use.

Mr. Schultz responded yes, these are the issues that the Commission has to discuss. These are difficult because you want the businesses to do well but at the same time you have to evaluate all of the other circumstances. He indicated that they have heard from the Traffic Authority and obviously, the Commission places a lot of weight on the Traffic Authority.

Comm. McGorty stated that he thinks that it does weigh heavily. They are the experts and he's saying that he's not for it based upon the accidents which have occurred there and this is definitely going to increase that risk. He commented that they kind of have to defer to the people who know these things.

Mr. Panico indicated that it is in a very difficult location.

Chair Parkins added that it is in a very convenient location for stopping but unfortunately...

Mr. Panico commented that even the minimal parking lot that they have for two, three or four cars has to exit and enter right where the ramp comes out.

Comm. McGorty stated that there is the problem with backing out as people are getting off Route 8 right there.

Mr. Panico commented that what's happening is that they are doubling up in that lot. He just went by it tonight and saw about five cars in that lot because cars just pull in, people run in and get what they have to get and then back up into traffic. He added that it was not only the traffic coming up from Howe Avenue but also the traffic coming off of the ramp.

Chair Parkins stated that it was also cars getting onto the ramp.

Mr. Panico indicated that 20 minutes ago when he just went through there he had to virtually come to a stop to work through that mess.

Comm. Pogoda agreed that traffic was bad and added that in the wintertime...he's seen cars double parked there.

Mr. Panico indicated that the concern of the Commission, as he understood it from the last discussion, was that once you create two separate entities then you start to develop additional attractions. The pizzeria would become a full-blown operational pizzeria with a beer permit and everything and that is just going to exacerbate an already bad condition. The site does not lend itself to go to another part of it and create a 10 car parking lot.

Comm. McGorty stated that was just it – the use would make it much more convenient for the consumer to get pizza and beer.

Mr. Panico commented that they are forced to rely on the on-street parking and it is on-street parking in a very difficult spot.

Comm. Flannery asked if there was anybody living nearby that would just walk to it.

Comm. Pogoda responded sure there are ...

Comm. Harger added that there is an apartment house right there.

Mr. Schultz stated that they would have the walking traffic and commuter traffic.

Chair Parkins indicated that the pizza place is remaining as it is – what they are asking for is to sell beer so that is the reason that the State Liquor Commission is requesting that they put up a wall to have a separate convenience store. She stated that she thinks that they are already selling soda and that sort of thing. Currently, it is already not an ideal situation but because it is pre-existing non-conforming use, they can't do anything about that.

Comm. Flannery stated that she was thinking about the new apartments downtown because they are going to need more businesses that people can walk to.

Comm. McGorty responded that's true but this is really on the fringe.

Mr. Panico stated that those businesses belong in the business area, this happens to be in (inaudible)...

Mr. Schultz commented that he didn't want to confuse the issue but they've had requests in the downtown and in commercial zones for take-out pizzerias and you've denied them. It is difficult at times but you use your discretion.

Comm. McGorty stated that it would probably be nice and convenient to have it there but it just can't accommodate the parking and there are safety issues around it.

Comm. Matto stated that since they asked for the police input, they should follow their directive.

Comm. McGorty agreed that was his point that he's advising against it so – the police know more about it ... They should defer to the experts.

Comm. Harger stated that she thinks there is a public safety issue here with lack of parking right from the get-go.

Comm. Pogoda stated that it is on a very busy exit – Exit 13 is a very busy exit.

Comm. McGorty agreed with coming around the corner, the traffic light and everything. It is a tough spot.

Comm. Pogoda added that if it is not plowed in the wintertime, then the side area is filled with snow pushing the cars farther out.

Comm. McGorty commented yes, and with the double parking and running in – it creates a situation.

Comm. Pogoda stated it is the safety aspect.

Comm. Flannery commented that she thought this was Exit 14.

Comm. Pogoda corrected himself and responded yes, it is Exit 14.

Chair Parkins asked Comm. Flannery if she was familiar with this site.

Comm. Flannery responded yes.

Comm. Harger stated that she would like to make a motion to deny unless they want to withdraw it. Comm. Pogoda indicated that he would second it.

Mr. Schultz asked the Applicant if she had any comments.

**Ms. Tina Lazri, Artan's Pizza, 19 Kneen Street, Shelton addressed the Commission.** Ms. Lazri indicated that when the Police came out to visit her they told her to make a few improvements such as moving the dumpsters. She had an architect come in to draw up a space so they could park the cars diagonally which would fit six cars. She added that she was going to expand the area where people would be driving out. She understands that there is going to be more business but as far as grocery is concerned, that is more from walk in business. Ms. Lazri stated that she was ready to comply with what the Police Department said but she didn't know anything about this letter.

Chair Parkins stated that there is still going to be a situation where people are going to be backing out onto that road and that is the danger. She reiterated that is the public safety issue – when you have an exit ramp and an entrance ramp to Route 8 right there as well as a straight throughway – it is a dangerous situation there right now. She referenced the 25 accidents reported at that location since 2001; it may not seem like very many but it indicates that there is a safety issue there.

Comm. McGorty added that it is a tough intersection right there.

Mr. Schultz told the Applicant that the Chair would be giving her the option of withdrawing or facing a denial of her application so it is up to her.

Ms. Lazri asked if she withdrew, would she be able to reapply again.

Chair Parkins responded yes, if you feel you can come forward with a parking plan that is going to have people not backing out onto the road.

Mr. Schultz told the Applicant to address her comments to the Police Chief because he is the spokesperson for the Traffic Authority not the patrolmen. Patrolmen have their own feelings just like Staff does but the Commission makes the final decision just like the Chief of Police does.

Ms. Lazri indicated that she understood.

Chair Parkins commented that she really didn't see how she would be able to correct that situation with that building there.

Comm. McGorty agreed that it was a tough situation.

Mr. Schultz indicated that the Applicant would like to request to withdrawal.

Ms. Lazri submitted a signed statement requesting to withdraw Separate #6601.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to accept the letter requesting withdrawal of Separate #6601.**

**SEPARATE #6620: MAGALIS SANDOVAL, 414 HOWE AVENUE, BUSINESS**

Mr. Schultz indicated that this was previously occupied by a consignment shop and this is a retail New Age Gift and Book Store that is 600 square feet.

Comm. Harger asked if this was the consignment shop to the left of Stockbridge.

Mr. Schultz responded right. He added that there would be one employee and Staff recommends approval.

Comm. McGorty asked if it was to the left of Stockbridge's or if it was across the street from – wasn't it next to Excalibur's, the Nail Salon and Kleto's – in that strip, correct?

Mr. Schultz apologized and indicated that he wasn't sure and asked where the consignment shop was (inaudible)...

An audience member indicated that it was on the Kleto's (inaudible) ...

Comm. Harger commented OK, down there.

Comm. McGorty stated that it was across from the Conte Building – across the street – that is 414 - 415 Howe Avenue – there's Excalibur's, then the haircutting place, Silver Linings...

Mr. Schultz indicated that there was no signage with this application.

Chair Parkins asked him to repeat what the use would be.

Mr. Schultz responded that it would be a New Age Gift and Book Store.

Chair Parkins asked if there was any clarification as to what New Age means.

Comm. Harger suggested it might be incense or something.

**On a motion made by Anthony Pogoda seconded by Joan Flannery, it was unanimously voted to approve Separate #6620 for business occupancy without signage.**

**SEPARATE #6765: C. PEIFFER, 12 PROGRESS DRIVE, BUSINESS**

Mr. Schultz indicated that this is for home health care service which is growing in the State of Connecticut. The leased area is 2,918 square feet and the building overall is 50,000 square feet. There will be 25 employees, hours of operation 8 a.m. to 5 p.m., Monday through Friday. The previous tenant was Mutual Security Credit Union. Staff recommends approval.

Mr. Panico stated that it is just an office use then.

Mr. Schultz responded yes, office use.

Comm. Matto asked the name of the company.

Mr. Schultz responded that the name of the company was Tender Loving Care Healthcare Services of New England, LLC.

Comm. Harger stated that she can't imagine that all 25 of these employees are in the office. They must be aides that go out and about.

**On a motion made by Anthony Pogoda seconded by Joan Flannery, it was unanimously voted to approve Separate #6765.**

**SEPARATE #6664: ANITA STOCK, 206 LEAVENWORTH ROAD, BUSINESS**

Mr. Schultz indicated that this is located at the White Hills Shopping Center – the White Hills Wine & Spirits with a new owner. Everything will remain status quo. It is 3,300 square feet with 4 – 5 employees, hours of operation Monday through Wednesday, 10 a.m. to 8 p.m.; Thursday through Saturday, 10 a.m. to 9 p.m. and Sunday hours 11 a.m. to 5 p.m.

Comm. Pogoda asked if the name would stay the same.

Mr. Schultz indicated that it is Grape Assets, LLC doing business as White Hills Wine & Spirits so yes, the name keeps the same name.

Comm. Harger asked if that meant there would be no signage change.

Mr. Schultz responded no change.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda it was unanimously voted to approve Separate #6764.**

**SEPARATE #6611: DEK ZON, 2 IVY BROOK ROAD, BUSINESS**

Mr. Schultz indicated that this was located in the new medical office building on the right, off of Constitution Blvd. which is finally getting some tenants.

Comm. Pogoda commented that is good. It has been a long time.

Mr. Schultz indicated that the building overall is 40,000 square feet and they are leasing 3,075 square feet. There will be six employees for a physical therapy medical office with the company name of Head Zone. The hours of operation would be Monday through Saturday, 7 a.m. to 6 p.m. He reiterated that slowly they are getting tenants in that large building.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6611.**

**SEPARATE #6761: NEAL GRABAR, 66 HUNTINGTON STREET, BUSINESS**

Mr. Schultz indicated that this will replace Dr. Michael Montanaro's dental services with another dentist at 66 Huntington Street. The Commission acted on that building in October. He will be occupying 1,800 square feet and the building overall is 5,000 square feet. He recalled that this is the building that is going to have that single story addition down below. The number of employees will be six and the hours of operation will be Monday through Saturday, 8 a.m. to 6 p.m. with no hours on Wednesday.

Chair Parkins asked if that would be an increase in staff.

Mr. Schultz responded that he don't know with certainty.

Mr. Panico commented that he didn't think so.

Comm. Pogoda added that Montanaro had about five people because his granddaughter went there and he had a pretty big operation.

Comm. Harger asked if there was adequate parking.

Mr. Schultz responded yes and stated that Staff recommends approval.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6761.**

**SEPARATE #6624: ALESSANDRA & CO., 132 CENTER STREET, BUSINESS**

Mr. Schultz commented that he believes that this application is on his desk and requested that they skip it for the time being. It is the new one on Center Street who occupied the...

Chair Parkins responded the gold shop...OK, and indicated that they would move on to #6610 right now.

**SEPARATE #6610: BLUE RHINO, 20 HUNTINGTON STREET, BUSINESS**

Chair Parkins asked if this was for the propane people.

Mr. Schultz responded yes and passed around a line drawing location map of the gasoline service station. He referenced the caged structure to the right side at that station. He explained that there is a fenced in area on the right side when you are facing the station. He circled the area on the location drawing.

Chair Parkins commented that this was the Gulf Station.

Comm. Pogoda added that it is the Gulf Station and they have a part to the right where they used to keep their parts – he used to go there.

Comm. McGorty asked if this was right at the Green there.

Chair Parkins responded yes, that is the Gulf Station. She added that she knows that when you are looking at the station, to the left side, they have the air and the vacuum pumps and (inaudible)...

Comm. Pogoda stated yes, to the left they have the pumps but to the right they used to keep engine parts in the fenced-in area. Chair Parkins responded that she never noticed that.

Mr. Schultz stated that the cage appears to hold nine.

Comm. Harger asked if there were signs on that cage.

Comm. Flannery stated that the rendering is showing 18.

Mr. Schultz responded yes, that is correct – 18.

Comm. Pogoda stated that it is about 4 feet by ...they have the Blue Rhino label on it.

Chair Parkins noted that they used to be in front of the Beechwood Supermarket and they were asked to move them.

Mr. Panico asked if this would be operated by the gas station operator.

Mr. Schultz responded it would be overseen by him. It is a leased area.

Comm. Pogoda asked if there shouldn't be a bollard put in the front of it. Normally wherever they have these put in there is some sort of bollard so...

Comm. McGorty stated that he wasn't sure if they were accessible by a car there though. He asked if that wasn't where the cars parked perpendicular.

Comm. Pogoda responded yes, the cars do park perpendicular.

Comm. Harger questioned what would happen if some car goes out of control.

Comm. Pogoda added - or if something happens at night when cars are not there.

Mr. Schultz stated that it is a reasonable condition to impose to provide a bollard.

Comm. Pogoda that it should be just as a safety factor because if anyone hit that thing with a car...

Comm. McGorty responded that he agreed with that.

Comm. Pogoda added that they are always parked perpendicular and pretty close to his garage.

Comm. McGorty commented that it is always full there with cars stacked up.

Chair Parkins asked if it was flush with the gas station or is it coming out.

Mr. Schultz responded no, it is sloped. To the right, there is an enclosed area.

Comm. McGorty referenced the drawing and the locations of the office, the service center and the enclosed area for it out to the right side. It is not against the wall but it is there though.

Chair Parkins commented OK, but it is set back.

Comm. McGorty asked if something on the drawing represented a Jersey barrier.

Chair Parkins responded yes, a Jersey barrier – they are going to put a Jersey barrier in front of it.

Mr. Schultz commented that if the Commission would like something more attractive...

Comm. McGorty stated yes, but they are planning on putting something there. He circled it on the drawing.

Chair Parkins agreed that they would prefer a cement bollard there instead.

Comm. Pogoda agreed that it should be a bollard.

Chair Parkins commented that they have those bollards right there at that station so they could provide something that matches that. She requested a motion to approve.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6610 with the modifications discussed.**

**SEPARATE #6763: DASILVA DESIGN AND CONSTRUCTION, LLC, 383 BOOTH HILL ROAD, IN-LAW APT.**

Mr. Schultz provided the architectural, the floor plans and site map for the in-law apartment at 383 Booth Hill Road.

**Mr. Manuel DaSilva, DaSilva Design and Construction, LLC, Shelton, CT addressed the Commission.** Mr. DaSilva stated that he was commissioned by the homeowners to build an in-law addition for their parents who recently retired. The parents will be moving into the home to help care for the grandchildren and to downsize.

Mr. DaSilva stated that they would be building, and are actually under construction already as additional square footage toward the existing house.

Mr. Panico asked if this was just converting the garage or is there no garage.

Mr. DaSilva responded that there is a two-car garage which will become storage and they are adding a two car garage with a living space above it attached to the house. He stated that it would be a 29 x 32 foot addition, 2-car garage underneath and about 900 square feet above for a living room, kitchen, small bathroom and a bedroom. It has a connection to the existing house by continuing the existing hallway. Mr. DaSilva indicated that the architecture will be in keeping with the neighborhood and not overpower the home. Mr. DaSilva referenced the three-dimensional view in the packet of drawings. He added that he thinks this a simple in-law apartment request.

Mr. Panico asked if he was going to be modifying the roof design on the existing building.

Mr. DaSilva responded no, it is staying the same and it is just being continued through.

Mr. Panico stated OK, the proposal shows a different roof style.

Mr. DaSilva responded that it had that gambrel look with the barn style which is just an appliqué and they removed the appliqué.

Comm. McGorty told Mr. Panico that would be gone now – that barn, that gambrel-look.

Mr. DaSilva reiterated that the barn-look is gone.

Mr. Panico stated that is fine but what about on the front.

Comm. McGorty commented that is gone as well.

Chair Parkins responded no, it is shown right there.

Mr. DaSilva stated that they probably will also add that little portico over the existing stair.

Mr. Panico asked if that was new – that portico over the stair.

Mr. DaSilva responded yes, it is going to be new.

Mr. Panico stated OK.

Comm. McGorty referenced something on the drawing and asked if it was existing or new.

Mr. DaSilva responded that it was existing and referenced the photograph of the existing house.

Mr. Panico asked if that was the only alteration to the front of the existing house.

Mr. DaSilva responded yes, the portico.

Mr. Panico asked if the roof line would be staying the same then because this sketch does not show it correctly.

Mr. DaSilva responded that it shows it correctly but they just removed the gambrel.

Mr. Panico referenced the drawing and asked Mr. DaSilva if one thing shown was the same as the other.

Mr. DaSilva responded yes.

Chair Parkins added well yes, but it really should be shown over this window. The sketch is not exact.

Mr. DaSilva responded well, correct, because the sketch is, well, a sketch.

Chair Parkins commented right, it really comes down over this window.

Comm. McGorty agreed and added it just depicts a steeper pitch to it when it is actually more gradual and covers more area.

Mr. DaSilva stated again that they are not touching that roof line.

Chair Parkins asked if they were leaving that garage there.

Mr. DaSilva responded yes, it is just going to be storage. The floor plan shows the connection of the new garages to the existing garages.

Mr. Panico asked if the in-law apartment would match up with the upper level of the stairs of the raised ranch.

Mr. DaSilva responded yes and referenced the sheet #8-2 and explained that they took out a closet in one of the smaller bedrooms – actually the closet belonged to the master bedroom. They built a walk-in closet in that addition for that master bedroom. He showed where the closet had been, where the hallway would now be, and indicated that they moved the closet for the

purpose of continuing the hallway. One of the conditions for an in-law apartment is to have interior connection.

Comm. Matto asked if they would be going from a two-car garage to a four-car garage.

Mr. DaSilva responded no.

Mr. Schultz responded that the old two-car garage was going to be converted into a storage area. It is a raised ranch home and (inaudible)...

Comm. McGorty added that there would be a new two-car garage underneath the in-law addition.

Mr. DaSilva responded that there really is no other way to really do this (inaudible)...it was going to be enclosed but those garages (inaudible)...

Chair Parkins commented that it is really just going to be like a big basement then.

Comm. Flannery asked if it was just going to be left open where the old and new garages connect.

Mr. DaSilva responded yes.

Comm. Harger asked why there wasn't a continuous wall with a door or something. She asked if you could get a car in there.

Mr. DaSilva responded yes, that is why they are leaving it open in case he wants to store a car in there for the winter he can because they didn't put any columns in the middle.

Comm. Harger asked if he then has the interior connection and also around the back steps going up to a deck with a slider.

Mr. DaSilva responded yes, a little deck as a second exit out.

Comm. Harger asked if the interior one goes down to the garage.

Mr. DaSilva responded yes.

Comm. Pogoda asked how old the house was.

Mr. Schultz responded that it is more than five years old – it is like 20 or so years old.

Comm. McGorty agreed that it must be with that look on the roof.

Mr. Panico asked if Fire Marshal would let him keep that garage open to the cellar.

Mr. DaSilva responded yes, they need fire doors wherever it connects to the finished living space. Those are fire-rated, spring-hinge doors and that new stair is too. He added that they will build that with fire-code sheetrock so it is essentially one big garage.

Mr. Schultz commented that they are seeing a lot of homes with garages on both sides of the home.

Mr. Panico stated that the important thing is that once you get through with it that it looks like it was always a part of the house and it does not look tacked on.

Mr. Panico asked if the new windows were going to match the old windows.

Mr. DaSilva responded yes, he went to (inaudible) within glass but they will be a little wider to meet egress sizes for bedrooms (inaudible) bigger than the existing ones.

Comm. Harger asked if they were making accommodations inside for handicapped access.

Mr. DaSilva responded no.

Comm. Flannery asked why not.

Mr. DaSilva responded (inaudible)...

Mr. Panico stated that he is going to have a side door into the garage and then from the garage into the stairwell (inaudible)...

Comm. Matto stated that there isn't any handicapped access into the apartment so why bother with the bathroom.

Mr. DaSilva stated that it would really have to be carried throughout then.

Chair Parkins stated that there is no requirement to make an in-law apartment handicapped accessible.

Comm. Flannery stated that she was just thinking about the changes they had to make for her own 89 year old mother.

Mr. Panico stated that raised ranches have a lot of steps in them.

Chair Parkins requested a motion for #6763. She provided the drawings back to Mr. DaSilva.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6763.**

**SEPARATE #6606: ANTHONY SANTILLI, 117 BUDDINGTON ROAD, IN-LAW**

Mr. Schultz stated that this is an existing house that wants to convert an existing room above the garage. He provided a photograph of the house, a location map and a small floor plan.

Chair Parkins commented that these are certainly going to work toward their senior housing in 20 years if everyone is looking to buy a house with an in-law apartment.

Comm. Pogoda asked what they were doing – putting it on the top.

Mr. Schultz responded yes above the garage.

Comm. Pogoda recognized the house and stated that it was for sale right now.

Mr. Schultz responded yes.

Mr. Panico asked if this already existed.

Comm. Pogoda stated yes that is existing right now.

Comm. Harger asked if they were any (inaudible)...

Mr. Schultz stated that it was all just existing. The room above the garage is 600 square feet.

Mr. Panico asked how they access that room above the garage.

**Mr. Santilli, 117 Buddington Road, Shelton,CT addressed the Commission.** Mr. Santilli asked if they can see the stairs right in front of the garage door on the photo.

Mr. Panico responded yes, he sees that but asked how they access it from the main house.

Mr. Santilli stated that if you walk up those stairs from that front door there is a landing, there's a fire door that goes into the main house and then you go up another flight of stairs which would bring you into the room above the garage. He added that there was also a rear entrance on it too.

Comm. Pogoda indicated that it was not a big house – it is small.

Mr. Schultz asked if the applicant if he had sewers.

Mr. Santilli responded yes.

Mr. Schultz indicated that the lot complies, city sewers and no exterior changes. It is converted within.

Comm. Harger asked if there was an interior connection though.

Chair Parkins requested clarification as well about the interior connection.

Mr. Panico commented on the drawing and stated that the door there already exists next to the garage space. He asked if this already existed and they are just legitimizing it.

Mr. Santilli responded yes.

Mr. Panico stated that he figured as much.

Mr. Schultz added that is called after-the-fact. He added that the City of Shelton never grandfathered the ones in that existed.

Chair Parkins asked about another house shown in the photo.

Mr. Panico responded that it is all one house.

Comm. Pogoda clarified yes, it is one complete house.

Chair Parkins asked what was there right now.

Comm. Pogoda responded what she is seeing there. It is already there.

Mr. Panico reiterated that the space was already there. What you are going to see is what you see. It has already been done.

Chair Parkins responded gotcha – it is already been done. OK this is an after-the-fact.

Mr. Panico noted that from the looks of it, it looks as though it has been there for a while.

Mr. Schultz stated that these regs are like 20 years old and they didn't grandfather the existing ones in.

Chair Parkins commented that they just need an ordinance to go back after back taxes as to what they made but...she requested a motion to approve.

**On a motion made by Thomas McGorty seconded by Elaine Matto, it was unanimously voted to approve Separate #6606.**

**SEPARATE #6613: AQUARION WATER CO., 43 BEARDSLEY ROAD, MISCELLANEOUS IMPROVEMENTS**

Mr. Schultz stated that Michael Hiltz from Aquarion Water Company is here. He is the project engineer and this is for the 43 Beardsley Road Aquarion facility.

Comm. Pogoda asked about the facility and where it was exactly.

Mr. Schultz responded that it was an interior and hard to see but Michael will go over it with the Commissioners.

**Mike Hiltz, P.E. for Aquarion Water Company, Connecticut addressed the Commission.**

Mr. Hiltz presented a site plan of the White Hills pump station where they are planning to do some major renovations to the facility.

Mr. Hiltz stated that he met with Rick Schultz a couple of weeks ago and they both understand that Aquarion is exempt from local planning and zoning jurisdiction; however, he is here tonight because Rick asked him to present this to the Commission and show what they are planning on doing.

Chair Parkins asked why they would be exempt. She asked if they were exempt because they were a utility.

Mr. Hiltz responded yes, under Connecticut Statute 16-235.

Mr. Schultz added that as they will hear tonight, there are several components to the improvements at this site including a generator and Mike is going to go over that. Historically, they have always regulated generators because of the noise component, obviously, especially in an R-1 zone.

Mr. Hiltz continued that he would be complying with Rick's request.

Chair Parkins thanked Mr. Hiltz for doing that.

Mr. Hiltz indicated that he's filed an application and is presenting it today. He showed the location of Beardsley Road on the site map. He explained that they have an existing gravel driveway and the end of their drive is delineated in yellow on the drawing. The pump station is shown in orange. He indicated that they have a hydro-pneumatic tank which is 10,000 gallons which is below grade in the back of the building. There is an existing above-the-ground atmospheric tank that is 750,000 gallons – he showed the exact location of that tank.

Mr. Hiltz commented that the project does not have anything to do with the tank other than it provide water to their pump station. They are not making any improvements to the tank. He showed where he has delineated the tree line and stated that they are not opening up any of the wooded area and the tree line will remain.

Mr. Hiltz stated that the parcel is 35 acres, mainly a wooded lot in an R-1 zone. The facility was constructed in 1970 so it is 43 years old and much of the equipment is beyond its useful life. This is the only pump station that serves 14,000 properties everywhere from Summerfield Gardens up to East Village Road and all the subdivisions that come off of East Village and up to the Monroe town line. He reiterated that 14,000 customers, so to speak, are served by this one pump station. If this pump station goes down then their customers will be interrupted.

Mr. Hiltz stated that their Supply Operations Department does a tremendous job of keeping this facility up and running. They are all used to seeing UI and CL&P have outages for 8 or 9 days, whatever it was, but through tremendous work Aquarion has not.

Chair Parkins asked how often they have lost service there.

Mr. Hiltz responded that they have never lost service there that he knows of; however, there is a gas-driven pump in there that, in the event that they lose street power just like all the other neighbors do, the only way to maintain water to customers is through one gas-driven pump. Mr. Hiltz stated that they had some substantial problems with that a couple of years ago. They had to get a trailer-mounted pump out back to maintain fire flows and flows during the power outage.

Chair Parkins asked if he means propane when he refers to gas-driven.

Mr. Hiltz responded no, natural gas. It is a natural gas service line. He showed the location of that line on the site rendering. He continued to say that right now the existing pump station has

two electric pumps in it that are 43 years old, as well as the gas-driven pump. The tank is also beyond its useful life as well.

Mr. Hiltz provided another rendering to explain what they were planning on doing.

Comm. McGorty stated that he has been up there 20 years and it has never had interruption in service which is good.

Mr. Hiltz showed them that they are not extending the lawn area or clear cutting any of the trees. The majority of their project is inside but he wanted to point out a few things on the exterior. He indicated that they would be replacing the two electric pumps with four electric pumps and eliminating the gas-driven pump. So they will have four pumps on site and they will all be run off of street power. Since they currently have two pumps and are going to four pumps, the existing electric service is inadequate. He pointed out the areas in red where they have a 6 x 7 pad mounted transformer for electric service. They have to upgrade their electric service.

Mr. Hiltz referenced a rectangular area and stated that secondly they are calling for a generator. The size of the generator is 8 ½ feet wide x 15 ½ feet long x 11 feet high. The generator will be in a sound attenuating enclosure. With the sound attenuating enclosure, no more than 60 decibels can be heard when standing 10 feet away from the generator. They are specifying the quietest sound attenuating enclosure that is out there.

Chair Parkins asked how close the nearest residence was - the closest house.

Mr. Hiltz referenced a previous site rendering and pointed out the closest residence.

Chair Parkins asked how many feet it was from the proposed generator.

Comm. McGorty asked if it was about 200 feet.

Mr. Hiltz measured and responded that it was probably about 100 – 120 feet or something like that. He asked them to keep in mind that there is an engine inside this building now and when that engine runs, louvers open up and that neighbor does hear that when that engine turns on. Although they are putting a generator outside the building, it is going to have a sound attenuating enclosure.

Chair Parkins commented that all of those generators come in those enclosures.

Mr. Hiltz responded no.

Chair Parkins stated that the generators seen off the side of office buildings – she asked if they were proposing something – that thing inside of another thing.

Mr. Hiltz responded yes, something much more quiet.

Chair Parkins stated 60 decibels – they just had that generator from AT&T and they said the exact same thing about it being 60 db.

Mr. Hiltz responded no.

Comm. Matto recalled that it was farther away though.

Mr. Hiltz stated that they may be putting in the same thing as they are but he knows that in his own office building there is no sound attenuating enclosure which was just put in and it is loud. It sounds like a truck driving by.

Chair Parkins commented yes, it is loud.

Mr. Schultz stated that this is exactly what the Commission needs to hear and they appreciate him making this presentation.

Chair Parkins added that 60 db is not exactly quiet but...

Mr. Panico asked if there were any other possible locations for it such as on the other side of the existing building.

Mr. Hiltz responded that they have a lot of piping on this side of the building and it is ...

Chair Parkins asked about the thought of their putting in four electric pumps to replace two electric rather than gas and using electric because then they are relying on electricity that has more potential to go down than gas which has less potential to go down.

Mr. Hiltz responded that he understands her question which is a good one. He stated that with four pumps the generator will be able to run any three of the four pumps at a time. Right now, if they lose street power, then they only have one option. They can only run that one pump and if they have a problem with it then...

Chair Parkins asked for clarification that he meant the gas pump.

Mr. Hiltz responded right, and if they have a problem with it then they are out of business. With a generator, if one of the pumps is down, if two of the pumps or three of the pumps are down, they can still provide water to their customers so that is the standard that they are going forward with.

Comm. Matto commented that it is redundancy that they are going for.

Comm. McGorty agreed that they've realized over the years that this is (inaudible)...

Mr. Panico stated that he thinks the Chair's question is why not add a second gas pump.

Chair Parkins agreed and added that they have the natural gas right there.

Mr. Panico asked why they wouldn't want two gas and two electric.

Comm. McGorty added that he is sure that UI would give them incentive too.

Chair Parkins stated that she did not see the sense in putting in the generator because of concern about losing power but if they have gas pumps with natural gas there they wouldn't have to worry about losing power because they'd still have the gas engines.

Mr. Hiltz responded that the gas-driven pump is not something that they would typically run all the time. It is a standby pump so in order to meet their demands what she is proposing would require them to run the engine...

Chair Parkins stated that she wasn't proposing it but just asking why...

Mr. Hiltz restated that if they did what she is asking...

Chair Parkins commented that she is just looking for the logic behind it.

Mr. Hiltz stated that if they did what she is suggesting then that engine would have to fire up daily. This is probably going to be exercised about once a month for 10 minutes. In that other scenario they would be using a lot of natural gas as fuel and running an engine frequently.

Chair Parkins asked if the generator would be run on natural gas.

Mr. Hiltz responded no, the generator is going to be run on diesel and the reason for that is because natural gas is not as efficient a fuel as diesel so in order to get the power output of a natural gas engine would be huge and make this double the size because in order to get the kilowatts out of that generator to hold sound attenuating enclosure, the engine, it is all going to be double the size because it is not as efficient. He concluded that was why they were using a diesel driven generator.

Comm. Pogoda asked if he is saying that it is not as efficient ...if that diesel generator has to run for a certain amount of time and has to be fed by diesel than he's sure they are going to have a tank or it will have to be brought in. He surmised that if the power is out for a week with the natural gas there would be a constant flow of energy coming in for that generator.

Chair Parkins added that it was also cleaner burning.

Comm. Pogoda agreed that it was cleaner burning versus having to resupply the diesel. He added that he didn't know how long that generator would run on the storage capacity of the generator.

Mr. Hiltz stated that they have a minimum of 24 hours of diesel that they require.

Chair Parkins asked where the storage tank would be and if it would be underground.

Mr. Hiltz responded that the storage tank is beneath the engine. It is called a belly tank and it is a double-walled tank.

Chair Parkins asked if it would be visible to the neighbors.

Mr. Hiltz asked if she means the tank.

Comm. McGorty commented that there are trees that go around there. He asked what type of trees were around there.

Chair Parkins stated that they have pines all over there.

Comm. McGorty commented that he asked because the trees help with the attenuation. There has to be 100 or more feet from that generator to that house.

Chair Parkins stated that their design is their design and they certainly can't tell them how to design their facility.

Comm. Pogoda indicated that to him it looked to be at least 200 feet.

Comm. McGorty agreed and added that there are trees there which will help attenuate.

Mr. Hiltz stated that the other thing is that the exhaust is directed away from this house because that is the way that they oriented it. The exhaust is coming out the front, the fuel exhaust, as well as, air intake is coming from here and exhausting here. They have done as much as they can to send the sound in the direction away from the residence.

Chair Parkins asked if they were required to do any kind noise studies at the nearest receptor. She restated and asked if they were required to do that.

Mr. Hiltz responded that they will, their engineer will be out there ten feet away confirming that...

Chair Parkins commented that she didn't mean at 10 feet but at the nearest receptor which would be the nearest neighbor.

Comm. McGorty noted that he said it would be 60 db at 10 feet and that house is about 200 feet away.

Mr. Schultz asked Mike Hiltz if Aquarion could send them that data.

Chair Parkins stated no, she wasn't telling them he had to, she just wanted to know if it they were required to do that.

Mr. Schultz responded no, but it is a good exercise for (inaudible)...

Comm. McGorty stated that it would be OK. It would be less than if he had a generator on the side of his house with a neighbor close by.

Comm. Pogoda asked if they have spoken to this neighbor about what their intentions are.

Mr. Hiltz responded no.

Comm. Pogoda stated that he thought that would be a good step.

Comm. McGorty reiterated that with the distance – if it is 60 db at 10 feet and tree coverage.

Chair Parkins agreed that from a public relations standpoint she thinks that their people should notify them that there is going to be work going on there and what they will be doing.

Mr. Hiltz stated that on any of their projects he always introduces himself to the neighbors and explains why they are there.

Comm. Pogoda asked if they have had any comments from those neighbors regarding the pumps that he said could be heard. He asked if there been any complaints or negative comments.

Mr. Hiltz responded that he wasn't aware of any complaints.

Mr. Schultz added that his office has not received any complaints.

Mr. Hiltz indicated that he would be aware of it if there was an issue.

Chair Parkins asked when they were planning on doing this work.

Mr. Hiltz stated that it was scheduled to go out to bid next month and they will award the project in January 2014. The construction will be from anytime after that into the summer of 2015. He was going to get into that as well but first he wanted to point out that they are replacing the hydro-pneumatic tank which is currently about 10,000 gallons. They will be putting in a 7,500... (inaudible).

Comm. McGorty asked if it would be finished in 2014 or 2015.

Mr. Hiltz responded that it would be finished in the summer of 2015. He stated that since this is the only pump station serving this area and since they do have to gut the facility, they will most likely mobilize a temporary pump station in the front of the building. Once the temporary pump station is up and running, it will allow them to go in and begin work on the permanent facility. He continued that once the permanent facility is accepted then they will demobilize the temporary pump station. It takes a while to get the temporary pump station materials out on site and for them to be satisfied that it is working properly so it is kind of a long drawn out process.

Comm. McGorty commented that is what he thought – the summer of 2015 because the scope of it doesn't seem very big but...

Chair Parkins asked if he had to go through a PURA (Public Utility Regulatory Authority) process at all.

Mr. Hiltz responded that he has to get approval from the Department of Public Health (DPH).

Chair Parkins questioned if he didn't have to go through PURA in Connecticut too.

Mr. Hiltz responded no as long as he goes through DPH then they are allowed to do it. They can appeal, you folks can appeal ...

Chair Parkins asked who they were regulated by if they're a utility.

Mr. Hiltz stated that they are regulated by PURA.

Chair Parkins responded OK. She asked if he had to get any kind of approval from them.

Mr. Hiltz stated that they don't have to file an application to them to proceed with the project but they do have to receive Connecticut Health Department approval.

Chair Parkins responded OK, that's interesting.

Mr. Hiltz indicated that they are planning to extend the gravel driveway by 1,500 square feet of gravel so that their vehicles can access the new equipment.

Comm. McGorty asked where exactly it was located on Beardsley – he asked what the closest side street would be.

Mr. Schultz responded that Perch Street is to the left.

Comm. Pogoda responded OK, Perch is to the left but where is this facility. He asked if it was on the open space.

Mr. Schultz responded this is right through the heavily tree'd area – he asked if he recalled the homes done by Gino Blakeman.

Comm. Pogoda responded yes.

Mr. Schultz indicated that it was right before those three homes.

Comm. Pogoda asked if it was on the right hand side up the hill, OK.

Mr. Hiltz commented that there was a three way intersection at their driveway.

Mr. Schultz stated yes, it is where the newer homes were built – those three homes built by Gino Blakeman.

Comm. Pogoda commented yes, right past the Pumpkin Hill going straight into White Hills and they are on the right side.

Mr. Schultz stated that you would drive right past the entranceway and not even see it because there are so many trees there.

Comm. McGorty stated that he goes by there all the time and he's never seen it.

Mr. Hiltz stated that it is down Beardsley towards Route 110. He continued that the objective of the project is to increase reliability and reduce their risk for outages to customers.

Chair Parkins commented about him saying “reduce reliability” because they haven't had any problems in the whole time that they have been there.

Mr. Hiltz responded no but they want to reduce the risk. There is a serious risk (inaudible)...

Comm. McGorty stated that everything is (inaudible)...

Chair Parkins stated that they are creating a risk by putting in (inaudible)...

Comm. Pogoda commented that if they are pumping water to hydrants then he would think it is a safety issue too.

Chair Parkins stated that her other question is that they know from experience that they will run that generator at least once a week for testing.

Mr. Hiltz asked why they would run it once a week for testing.

Comm. McGorty commented that is normally what they do for about 10 minutes or so.

Mr. Hiltz stated that he believes it is once a month.

Comm. McGorty stated that some people do it weekly but others do it monthly.

Chair Parkins asked that it could be done or programmed to be done anytime but on the weekends or when most people would tend to be home so that if there is any noise ...

Mr. Hiltz responded that they don't run it on a program. It is not automatic. They would go out there during the business hours and their maintenance crew would run it for about 10 minutes and do the maintenance on it during the business hours on weekdays. The only time that anyone would be out there running it on the weekend would be if they had an outage so it should not be a problem.

Mr. Hiltz added that one thing which is important in this project and it is not shown on any of the drawings is that they are going to improve the fire flows down towards Elizabeth Shelton School. There is a length of 12 inch main that stops on Maple Avenue. The 12 inch main stops and goes through a newer subdivision which he thinks it is either at the ...

Comm. Pogoda added that it was the Old Dairy Estates.

Mr. Hiltz stated that he thinks it is an 8 inch main that loops through there and picks up again with a 12 inch so this will extend the 12 inch to the other 12 inch and that will tremendously improve the fire flows down to the school.

Comm. McGorty commented that he was surprised that it went down to an 8 inch pipe.

Mr. Hiltz stated that he didn't know why but he'll be correcting that anyway and it is a part of this project.

Chair Parkins asked if there were any plans to put a generator or a pump on the water tank near the High School.

Mr. Hiltz responded no, it is not a part of this project.

Chair Parkins stated OK, well again this has been a courtesy and they don't require any approval. She thanked Mr. Hiltz for taking the time to show them their plans and they would appreciate if their people would just reach out to the neighbors and let them know what is going on otherwise, Rick's office will be the first to hear about it.

Mr. Hiltz responded OK, he will.

Chair Parkins moved on to the agenda add-ons.

Mr. Schultz asked if they were making a motion on that.

Chair Parkins responded that there is nothing to make a motion on because they have no authority to grant approval so she just thanked him and asked him to inform the neighbors. She asked if that was correct.

Mr. Schultz commented that they have been consistent because for the UI substation they only acted on the landscaping because it was the stuff that the Commission regulates. If you needed trees there then you would have made a motion for that.

Chair Parkins stated that if they were putting up a building then the Building Inspector, she would assume that they would have to follow State codes for that.

Mr. Schultz indicated that there is no action then.

**SEPARATE #6632: PHYSICALLY FIT LLC, ONE PARROT DRIVE, BUSINESS**

Mr. Schultz stated that they have two proposed businesses for this one location. This first one is for a fitness center as a subordinate use. As the Commission is aware this is a large building with multiple tenants in it.

Physically Fit is a membership facility that will be leasing 7,542 square feet with 3 employees, hours of operation 6 a.m. to 7 p.m. Monday through Thursday, Friday 6 a.m. to 5 p.m. and Saturday 8 a.m. to 12 noon.

Comm. Pogoda asked if it was a gym.

Mr. Schultz responded yes, as an accessory use.

Comm. Pogoda asked accessory to what?

Chair Parkins asked if this was the Renaissance.

Comm. Pogoda responded no, it is the large building going up the hill to the left going toward the Renaissance.

Mr. Schultz stated that this is the large building on the left (inaudible)... in back of Five Guys.

Mr. Panico asked why he was calling it an accessory use. An accessory use would normally be provided by a principal tenant. This is an independent business operation.

Mr. Schultz stated that it is independent but the primary use is to provide service to the occupants within the building.

Chair Parkins asked what occupants.

Mr. Schultz responded that there were multiple tenants within that building.

Mr. Panico asked if it was use problem and not permitted as a regular use. He added that he thinks it is matter of the Commission recognizing that even though it is an independent business operation, its primary purpose is to serve the existing and future tenants of that building.

Comm. Pogoda asked if he was saying there would be no one from outside using it – no walk ins.

Mr. Schultz responded that they are not soliciting anyone from outside.

Comm. Pogoda commented that whether they are soliciting or not, it is a membership club. If it is a membership then...

Mr. Schultz responded right, a membership to benefit the existing occupants of that building.

Comm. Pogoda stated OK, just for the tenants. He asked if there would be no outside members.

Mr. Schultz stated that they are bound by that under Use Line #16B.

Comm. Pogoda commented OK, he was just double-checking.

Mr. Schultz added that as a stand-alone it is not a permitted use.

Comm. Pogoda asked about parking there.

Mr. Schultz responded that parking there is a non-issue. There is a lot of parking.

Comm. Pogoda commented that he has no problem then if it's for the building and the tenants – it looks like that is how Bob Scinto has his (inaudible)...

Comm. McGorty agreed that it is for convenience like an amenity.

Mr. Schultz stated that it is a large building, if they haven't been inside.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6632.**

**SEPARATE #6633: IN TOUCH THERAPEUTIC BODYWORKS, ONE PARROT DRIVE, BUSINESS**

Mr. Schultz indicated that this was In Touch Therapeutic Bodyworks for licensed massage therapy. There will be two employees. He asked the applicant how much leased area she would be using.

**Barbara Yawarowski, Owner, In Touch Therapeutic Bodyworks, Shelton, CT addressed the Commission.** Ms. Yawarowski responded that she would be using two 10 x 12 rooms. She offered to show copies her licenses if anyone wanted to see them.

Mr. Schultz stated OK, about 200 – 300 square feet.

Chair Parkins asked if she had two licenses or just one.

Ms. Yawarowski responded two, one for herself and one for her business partner.

Chair Parkins asked if they were both licensed.

Ms. Yawarowski responded yes by the State of Connecticut.

Mr. Schultz added that the hours of operation would be 8 a.m. to 7 p.m. Monday through Friday. There is no signage for either Parrot Drive application.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6633.**

**SEPARATE #6580: URBAN EXPOSITION, 2 TRAP FALLS ROAD, BUSINESS**

Mr. Schultz indicated that this will be occupying 2,973 square feet at 2 Traps Falls Road. The entire building is a 152,776 square foot building. This operation will employ 30 people, hours of operation Monday through Friday, 9 a.m. to 5 p.m.

Comm. Harger asked about the type of business.

Mr. Schultz responded it was for event management.

Chair Parkins asked for clarification as to which building.

Comm. Harger commented that this was the St. Vincent's Building.

Comm. Pogoda asked if there was sufficient parking available.

Mr. Schultz responded yes and stated that Staff recommends approval.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6580.**

**SEPARATE #6581: GLOBEX INTERNATIONAL, 100 BEARD SAWMILL ROAD, BUSINESS**

Mr. Schultz indicated that this is located by the Route 8 expressway where Sikorsky has been.

Chair Parkins asked if it was the old Health Net building.

Mr. Schultz responded yes, the first one. This building is 148,669 square feet. Globex International will occupy 2,390 square feet, 15 employees, hours of operation Monday through Friday, 9 a.m. to 5 p.m. The previous occupant was Health Net.

Comm. Harger asked about the type of business.

Mr. Schultz responded that they were corporate offices for Globex International but he isn't really sure what they do.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6581.**

**SEPARATE #6624: ALESSANDRA & CO., 132 CENTER STREET, BUSINESS**

Mr. Schultz requested that the Chair table Separate #6624 for Center Street. He put it on the agenda because he wanted the Commission to know that Staff contacted them. They were supposed to come in today but they did not.

Chair Parkins commented that the place is a mess.

Mr. Schultz stated that they have limited hours after 3 p.m.

Comm. Harger asked what place this was.

Chair Parkins responded that it was located down on Center Street next to the Tattoo Parlor.

Mr. Schultz commented that Doggie Styles was in there before they moved to White Hills Shopping Center. He wanted the Commission to know that Staff is trying and has stopped there many times.

Chair Parkins stated that they don't have a permit to open the business.

Mr. Schultz responded that the Building Department can issue that. He thought they would be able to rectify this tonight so they will be notified tomorrow by the Building Department.

Comm. Harger asked about the type of business.

Mr. Schultz responded that it is a retail store but they aren't a true pawn shop but they do circulate the gold...

Chair Parkins stated that it is hard to tell exactly what it is that they do down there because there is so much stuff in the windows.

Comm. McGorty commented that he thought it was a pawn shop.

Mr. Schultz stated that is regulated though – pawn shops.

Chair Parkins added that it is impossible to tell – it just says "We Buy Gold" and that is the prominent thing but you can't tell what else they are doing in there because of the amount of stuff on the windows.

Mr. Schultz stated that they were in the computer store up the road on Bridgeport Avenue.

Chair Parkins asked if they were the same place from there and they just moved down to Center Street.

Mr. Schultz responded yes but he doesn't know their operation.

Chair Parkins stated that place was always a mess.

Comm. Pogoda agreed that they always had problems with them.

Chair Parkins commented that they just moved their mess closer to downtown.

Mr. Schultz asked if he should put this on the December 10<sup>th</sup> meeting and ruin their last meeting of the year.

Chair Parkins responded that she thinks that they need to come in and talk to the Commission. They are trying to get people to come to Downtown.

Comm. McGorty agreed and they are just trying to make it messier.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to table Separate #6624.**

### **NEW BUSINESS**

#### **APPLICATION #13-14: FRANBARD SHELTON, LLC FOR MODIFICATION OF SITE PLAN APPROVEAL (BUILDING EXPANSION), 750 BRIDGEPORT AVENUE (MAP 28, LOT 25)**

Mr. Schultz asked the Applicant if he was present and provided a site map of the location and the building. He read correspondence from the Fire Marshal related to the building expansion for Application #13-14.

**\*See attached correspondence addressed to Richard Schultz, P&Z Administrator from Fire Marshal, James Tortora dated November 8, 2013.**

**Mr. Peter Francini, Franbard Shelton LLC, addressed the Commission.** Mr. Francini stated that his tenant, Davita Healthcare wants to expand their dialysis center because they are not able to keep up with the demand for dialysis. By adding on 18 feet to end of the building and grass area, they have met with Rick and Tony, and they've found a way to put the addition in such a way that they don't impact any of the parking. It is pretty much in the grass area. They are relocating the dumpster in a better location for easier access.

Mr. Francini stated that his job as landlord is to just build a shell so he is coming in with that and their plan for an enclosed entrance in the front. They have so many patients that come in and they don't have enough room with all the ambulances that bring in all their tenants. They have piggybacked their front entrance which is an aluminum entranceway with a special doors for people to come in. They are basically doing a three wall addition on the end of the building, facing the building it would be on the left which is the north side of the property. They are building three walls and a roof.

Mr. Francini stated that they will be coming in at a later time to the Building Inspector with their plans to finish the inside space. There are minimal changes to the outside of the building. They are just adding on to the brick walls that were there, putting the same Mansard on the roof. It is a small 900 square foot addition and by doing this they are going to be able to fit six more patients which will hopefully reduce their hours. When they began about 14 years ago, the hours were Monday through Friday 7 a.m. to 5 p.m. but now they work 10 hours a day, Monday through Friday and Saturdays too now.

Chair Parkins responded that it was kind of sad to know that.

Mr. Francini stated that there are so many patients who come in there and that is why they are enclosing the front entrance. They just don't have enough room. Three patients and it is all full. They aren't really making any changes to the parking and not making changes to anything else except they have to move the dumpster away from the building to put the addition in. He went over that with Staff.

Comm. Harger asked if this was the building before Bertucci's.

Mr. Schultz responded that Planet Fitness is right next to it.

Comm. Matto stated that they must mean 6 patients per slot per dialysis slot.

Mr. Francini responded that he really did not know.

Chair Parkins stated that it is a 900 square foot addition so that makes sense so that would be 6 times however many slots they have a day.

Mr. Francini stated that this keeps them in Shelton because they were considering moving a couple of years ago. They renewed a lease with us for another 10 years and now they are considering another five because they are going to spend more money on the interior of the building. It is something that is needed in the area. There are a lot of people suffering.

Comm. McGorty asked what type of fence was around the dumpsters.

Mr. Francini responded that he would put whatever Staff wants them to do.

Mr. Schultz indicated that he would read his report in a second.

Mr. Francini stated that one side is up against the existing building so really they only have to put up two walls with one perpendicular to the addition and one on the end. They could do it out of masonry.

Chair Parkins stated that the architecture should match.

Mr. Francini commented that if the Commission wants them to match they can use...

Chair Parkins stated that it should match the existing building.

Mr. Francini responded that they could use split face block, brick but they have to have gates on the one end. He commented that actually this is a better avenue for the trucks that come in because the way it is right now it is kind of close to one of the parking spaces. They are really just going into the grass area on the end of the building.

Comm. McGorty asked about the X'd off area by Bertucci's side shown on the drawing.

Mr. Francini responded that was the protective fence around their electrical equipment. It is so no one can get at the switch gear and transformers for protection purposes. It has been existing since 1968. The only thing that they are doing is on the left hand side of the building and they are doing the front entrance but he has their drawings as part of the application.

Mr. Panico stated that he is asking for the Commission's approval for both the addition that he will do, as well as the modifications to the entranceway that they will do.

Mr. Francini responded yes, correct. They are basically going underneath the existing canopy and tying into the existing steel (inaudible)...they are really just going to put up some aluminum frames with emergency doors that can be pushed with a button for handicapped access right onto the existing platform that is there.

Chair Parkins commented that they need a motion to first accept this application.

Mr. Schultz stated that there are three things. First, the Applicant is not only asking the Commission to accept the Application for review but also to act on it. Secondly, they would like to start the work quickly. The City Engineer has no comments insofar as this is a minor addition in an area that has already been disturbed. Thirdly, the Applicant has met with Staff and they are recommending that the dumpster have a masonry enclosure which is consistent with what the Commission has done. He added that he has prepared a draft resolution if the Commissioners have no question.

Chair Parkins asked for a motion to accept first.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept Application #13-14.**

Mr. Schultz read the Draft Resolution for Application #13-14.

**\*See attached Resolution for Application #13-14 for Franbard Shelton LLC for Modification of Site Plan Approval (building expansion), 750 Bridgeport Avenue (Map 28, Lot 25), IA-3 District.**

Chair Parkins asked if there was any further discussion. With no comments, she requested a motion for Application #13-14.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Application #13-14.**

### **PUBLIC PORTION**

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

**Kim Soto, owner of Queen Zuri, 97 Center Street, Shelton addressed the Commission.** Ms. Soto brought a rendering of a sign for the business that the Commission approved at the last meeting. The sign was approx. 8' x 2' brown background with lighter colored lettering.

Comm. Harger asked how it would be displayed.

Ms. Soto responded that it would be projected.

Chair Parkins asked how it would be projected.

Ms. Soto responded from the side of the building.

Comm. Harger commented that it would be like Marks of Design.

Comm. McGorty asked if it would be like a blade sign.

Chair Parkins asked if it would project into the sidewalk.

Ms. Soto responded by showing that if this is the building, the sign would be coming out like this.

Comm. Pogoda asked Rick if they can bring that out into the street like a blade – into the sidewalk.

Mr. Schultz responded sure, you just have to take out liability insurance with the Building Department.

Mr. Panico asked if it would be high enough so that you don't bang your head.

Ms. Soto responded yes, absolutely.

Mr. Schultz stated that they have to determine that.

Chair Parkins commented that she needed more information as to exactly where it is going to be hung.

Comm. McGorty asked if she had that information – how high up it would be.

Chair Parkins stated that it is a very nice sign but they need more specifics because it can't protrude into the right of way and it can't create a safety issue so it has to be clear. They need to know where it will be hung.

Comm. Harger commented that they need a picture or something.

Mr. Schultz stated that they may be having a meeting coming up of the Downtown Subcommittee on the 22<sup>nd</sup>. He told Ms. Soto that he would speak to her tomorrow and they appreciate her showing them the sign. He asked if she opened up yet.

Ms. Soto responded yes (inaudible)...

Chair Parkins commented that it is a big sign.

Mr. Panico asked if they would be using metal brackets.

Comm. Harger stated that there was recently an article in the paper about her business.

Chair Parkins asked if the sign would be framed or just flying loosely.

Ms. Soto responded that it will have two poles to insure that it adheres to the building safely and doesn't fly back and forth.

Mr. Schultz stated that he would get those details for the Commission. He told Ms. Soto that at least she is hearing that the Commission likes the direction that she is going in so that is good.

Chair Parkins told Ms. Soto to work with Rick on the details for the sign. She asked if there was anyone else in the audience wishing to address the Commission.

**Jordana Posner, owner, Art of Hair, 65 Howe Avenue, Shelton addressed the Commission.**

Ms. Posner stated that Art of Hair was located on that Lafayette corridor at the corner with the liquor store near Lafayette School. Ms. Posner commented that Tom Dingle, P&Z, has come to her business on two separate occasions in the past 6 months asking her to move her sign closer to the building or get rid of the flag that she has. She recently got a flag and he told her that there were complaints which she finds odd that anyone would complain about a local business.

Ms. Posner stated that she is trying to do business. The speed limit is 25 mph there but no one ever goes 25 mph. They are all coming to and from Sikorsky at 50 mph and they don't stop for the cross walk which used to have a blinking yellow light but it was taken down. She added that she thinks the light should still be there because the school, although inactive, it is the United Way and Center Stage and there are children doing things there. The Pop Warner games and stuff, even though they are off, there are still activities going on in that facility that involve children.

Ms. Posner indicated that another concern that she has which is hindering her from making more business is if she takes that flag pole in. She commented that this was not a tacky flag pole like a liquor store flag pole. It is a very nice \$1800 flag pole with a beautiful sign that has a barber pole on it. She put it up right next to what is left of a city sidewalk going towards the Helen Devaux Apartments and it is a very small piece. No one can walk on there anyway because the Pizza Place next door parks the delivery trucks on that sidewalk constantly. She was told that she can't have the sign way out there because it is a public sidewalk and it is a distraction and people could get into an accident. There is no blinking light. There is nothing that is offensive whatsoever and again, the cars go by so fast that she is lucky if they even see it.

Ms. Posner commented that she asks everyone who comes in as a new customer how they heard about her business and they say that they saw the flag.

Chair Parkins stated that there are several different issues going on here. Some of which are the P&Z purview and some of which are not. The safety, the people speeding on that street, the yellow caution light being removed really should be brought up with her Aldermen – Alderman McPherson and Alderman Kudej. Actually, Eric McPherson is the Safety Committee so she

would start with him for that because it really is an aldermanic and police issue for the safety issues.

Comm. Pogoda added that it is also a State road.

Chair Parkins commented yes, that's right. In terms of the flag being on the City right-of-way, you cannot put signage on the City right-of-way and that is just a standard...

Ms. Posner stated that she doesn't – it is right on the line and (inaudible)...

Chair Parkins asked what type of flag this was.

Comm. Harger commented that it was a big oval.

Ms. Posner responded that it was just a big ...It's a flag. It is a long rectangle...

Comm. Harger stated that she has a picture of it.

Ms. Posner asked if she said she has a picture of it.

Comm. Harger responded yes, because I am the person who brought it to Staff's attention. She commented that these are flags that she personally finds to be offensive because of the style and they get very tattered and faded.

Comm. McGorty commented that he didn't think that was in the regs – so you can't have it.

Comm. Pogoda agreed.

Ms. Posner commented that one is waterproof and she even has an invoice for it.

Comm. Harger responded that may be the case but she drove by it recently and she thinks that it is starting to look (inaudible)....

Ms. Posner asked if she was sure that she wasn't looking at the beer sign outside the liquor store because that is a piece of crap.

Comm. Harger responded no because that is at the other end. They are both, she thinks, offensive.

Chair Parkins stated that if people are parking on the sidewalk then she definitely needs to call the police on that because it is obstructing.

Mr. Schultz stated that the Zoning Regulations allow temporary signs and that was a big issue that they finally came to terms with. In a calendar year, businesses can put up temporary signs for a total of 60 days, no more than 30 days in one period. He reiterated that you are allowed up to 60 days and it has to be on private property and no more than 30 days in one period. He added that they regulate them and it has been working but they do have businesses that exceed the 30 day period. It is brought to Staff's attention by the Commission and others. He told Ms. Posner that they want to work with her but they do have a 30 day maximum period.

Ms. Posner stated that her other thought is this. When Mark came down and snipped the ribbon and everything it was all about small businesses and all that. She stated that she voted for the people who she thought were going to help make that part of town flourish. In that, she didn't see anything wrong with putting out what she thought was an appropriate signage in the appropriate spot so it would not offend anybody. Ms. Posner commented that she has an A-frame that she thought was not as nice as this sign which is a flag. It is not like a used car dealership flag or anything like that. If she finds the picture then everyone can look at it. She reiterated that she does not believe it is offensive.

Chair Parkins responded that it is not a matter of being offensive and she certainly understands. She added that they aren't looking to harm small businesses but they do have regulations. If they

don't have regulations on signage, it is going to be a free for all with people putting any kind of signs up anywhere that they don't feel are offensive to anybody. She added that what you don't find offensive, somebody else may find to be very offensive. It really is just a matter of the regulations and, unfortunately, they have sign regulations that only allow you to put up those types of flags for 30 days at a time, maximum 60 days in a year.

Mr. Schultz stated that prior to these new regs it was prohibited. He went with the Chairman to a Chamber of Commerce Meeting and (inaudible)...

Chair Parkins indicated that she is not solely being targeted. She stated that all the other businesses on Bridgeport Avenue are going through the same thing and they don't think it is fair either.

Ms. Posner stated that if they are going to continue to promote small business, and as Tom Dingle pointed out to her, everybody knows that she is there now because she's had the sign out for 30 days. She added that she looked at property transfers and a lot of people told her that they didn't know she was there and they've been working at Sikorsky for years.

Chair Parkins asked what type of business she had.

Ms. Posner responded that she has a hair salon/barber shop.

Comm. McGorty commented that she could put an ad in the paper and there are circulars that go in the mail.

Ms. Posner responded that she has advertised. They don't have Chopper Shopper anymore and most of the customers are people who come here in the military working at Sikorsky. Sometimes they are only here temporarily but they are here. She added that she has looked at property transfers so she knows that there are people buying in her area who could notice that there is a salon there.

Chair Parkins asked if she has a sign above the salon.

Ms. Posner responded that she does have a sign up above but somehow the barber pole is how people see them. She asked people when they come in – how did you hear about us? It is either word of mouth ...

Chair Parkins stated that she could put a barber pole as a blade.

Ms. Posner commented that she has a barber pole on the side of the building already but as she said, she asks and finds out from people that they saw her flag.

Chair Parkins responded that they understand where she is coming from.

Ms. Posner continued to say that she isn't trying to say...she is just trying to stick up for her business so that hopefully it will flourish and in turn that is how the economy gets generated.

Chair Parkins indicated that they hear this often that people tend to feel that flashier, bigger, brighter, bolder signs will draw in more business.

Mr. Schultz stated that he's sure that they can work out a plan with her.

Comm. Matto agreed that there probably is some type of sign that will meet the regs.

Mr. Schultz indicated that they can work something out. She is here tonight and the Commission has heard her issues so obviously they all want to work together. This is the spirit of cooperation.

Ms. Posner responded OK, sure.

Chair Parkins agreed and added that they can't bend their regulations for her because she needs to attract business because, unfortunately, it does not work that way.

Comm. McGorty commented that on the other side there are homeowners and people who are taxpayers in town that ask them to do something about all these tacky signs and other things that go on. There just can't be a free for all because there is a responsibility to them as well.

Ms. Posner responded yes, absolutely.

Comm. Matto asked Rick if he is saying that there probably is some kind of signage that will meet the regulations that will meet her purposes as well.

Comm. Harger found the photo of the flag sign on her phone and showed it to the other Commissioners.

Chair Parkins stated that Zoning Enforcement is going down to Split Rock tomorrow to get all the flags down that are flying all over the place down there.

Mr. Schultz responded that's right. He told Ms. Posner that they can work something out.

Comm. McGorty stated yes that's right. Foccacia's got them all out there now too – the new place.

Inaudible comments – multiple conversations...

Mr. Schultz told Ms. Posner that he's the Department Head and he'll work with her to find a happy resolution for her. He commented that she saw what the Commission did tonight, what they acted on (inaudible)...it is tough in this market.

Ms. Posner responded yes, she knows and that is why she was reaching out to see if there was a possibility to (inaudible)...

Mr. Schultz indicated that it is always a give and take but they do have their regulations so they will find a happy balance because that is their job.

Ms. Posner asked if the Commission would truthfully tell her if the flag was tacky.

Chair Parkins responded that they find all of those flags tacky – not just hers in particular. The Commission kind of equates them with those blow-up wind socks at the car dealerships. It is something just blowing in the wind to attract attention. As she mentioned, if cars are going by at 50 mph then they won't read what is on the sign anyway; more likely they will see the sign up on top of your window or building.

Mr. Schultz stated that the blade signs really have worked but in her case it is difficult.

Ms. Posner commented that her A-frame sign...

Mr. Schultz stated that if you take them in every night – but it is more work.

Ms. Posner indicated that her A-frame sign was complained about too at one point. She thanked them for listening.

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

**Lou Santora, President, Kazimir Pulaski Club, 42 Bridge Street, Shelton addressed the Commission.** Mr. Santora stated that he was the president of the Kazimir Pulaski Club on Bridge Street – he joked that they were the trolls under the bridge. He asked what kind of timeframe they would have because he's sure that eventually they are going to want to redevelop that whole area anyway. He asked what amount of time that actually had to move out.

Chair Parkins joked that he had to be out on Saturday.

Mr. Santora laughed that he didn't think it would be that fast. He commented that they need to know what they have to do and how they are going to do it. They don't want to put any money into that building, of course.

Comm. Harger responded that she didn't blame him.

Another audience member (unidentified) commented that they know that the Chromium is going down so...

Mr. Santora added yes, so they know that eventually this will and it should be developed anyway.

Mr. Schultz asked if he wanted an alternative location.

Chair Parkins stated that there is a PDD.

Mr. Santora asked if they had any ideas.

Chair Parkins commented that there is a PDD approved for that whole block right now. It was approved years ago.

Mr. Panico indicated that they had been negotiating with the Club about building them a new building on the corner of it.

Mr. Santora recalled yes, right next door or something. He commented that he did not think that they should even be there. It should be for...(inaudible)

Comm. McGorty stated that is what he is looking for – some advice as to where they could go.

Comm. Pogoda commented that he should go down and see Jim Ryan.

Mr. Santora asked if there was any developer or anybody that they could talk to.

Comm. Pogoda asked if he had thought about going to Shelton Economic Development Corp. (SEDC) and speaking to Jim Ryan. He stated that would be a good bet. He explained how to get to the SEDC facility at the Old Bank building, second floor in the rear. He added that he should ask for Jim Ryan who would be able to give him any information that he needs.

Mr. Santora responded OK, great. He wasn't going to try to stay there but (inaudible)...

Mr. Panico indicated that the Club has been a stumbling block in terms of getting something done in that corner.

Mr. Schultz added that this is a step in the right direction.

Mr. Santora commented that it was too much for them to do, it is not cost effective to (inaudible)...

Chair Parkins asked if he was looking to relocate in Shelton.

Mr. Santora responded that they would stay in Shelton. The Club is getting better – it had a bad name at one time but it is actually becoming very nice now and they haven't had any trouble anymore.

Comm. Pogoda commented that was good.

Comm. McGorty stated that Jim Ryan is a good place to start and he'll help them with some options.

Multiple comments (inaudible)...

Chair Parkins reiterated that there is already an approval for that whole block. The road was legalized closed (inaudible)....

Mr. Santora stated that he read that a couple of years ago.

The unidentified audience member asked how the sign works down there about the road closing up.

Mr. Panico stated that it all hinged on successfully negotiating to get them into a separate building there or out of there completely.

Mr. Santora stated that he did not think that they should be there. He thinks it should be all (inaudible)...he doesn't think it works.

Comm. Harger specified how to get to the rear entrance of SEDC in the parking lot – 2<sup>nd</sup> floor.

Mr. Schultz stated that in regard to the question about Bridge Street – Bridge Street is supposed to be closed off. Angelo is working with the Police Department to put a barrier there. It still has to happen because cars are still using it.

Mr. Santora asked if that was a State road.

Chair Parkins responded that the State authorized it.

An unidentified audience member asked why a State sign was not posted.

Chair Parkins indicated that it was not a State road. It is a City road but the State approved the closing of it.

Mr. Panico added that the land belongs to the State so even though the City closes it, the State owns the land.

Chair Parkins asked if that was because of the bridge.

Mr. Panico responded part of the right-of-way.

Mr. Santora thanked the Commission and said that this was a good start.

An audience member stated that she would believe more that it was closed if everybody wasn't using it.

Mr. Schultz responded yes, it is being used until the barrier goes up.

Chair Parkins indicated that they spoke to the owner of that property about closing that off.

Comm. Pogoda stated that there is a sign on the fence that says that this road is closed but, again, he's sure that people just use it anyway.

An audience member commented that it does not look official.

Comm. Pogoda responded yes, that's right and it has to have that barrier.

Chair Parkins thanked them for coming out to speak the Commission and they're glad to help. She asked if there was anyone else in the audience wishing to address the Commission. With no further comments, she requested a motion to close the Public Portion.

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

Mr. Schultz noted that was the most discussion that they've had at a public portion in years.

Comm. Pogoda agreed.

## **OTHER BUSINESS**

### **APPROVAL OF THE MINUTES: 10/8/13**

Chair Parkins commented as to one correction needed on Page 2 of the October 8<sup>th</sup> meeting minutes. "Chair Parkins requested this be tabled until the October 23<sup>rd</sup> meeting..." She indicated that it should have read the November 12<sup>th</sup> meeting.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve the minutes of 10/8/13 with the noted date modification on Page 2.**

### **PAYMENT OF BILLS**

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

### **8-24 REFERRAL: ABANDONMENT OF A PORTION OF WESTMINSTER AVENUE**

Mr. Schultz stated that this request came from the Mayor's Office. He read the City Engineer's Report regarding his endorsement for the abandonment of a portion of Westminster Avenue.

**\*See attached correspondence dated October 10, 2013 to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer.**

He noted that the City Engineer's comment that "there are no existing public underground utilities on this section of the road that is an undeveloped paper street. It would not be desirable to construct this remaining section of Westminster Avenue to create a new intersection with Coram Road" addresses the planning consideration regarding overall circulation.

He showed a site map of the Westminster Avenue area in Coram Gardens. He indicated that the BOA has a public hearing on this and normally the first right of refusal goes to the property owners on each side. Mr. Schultz stated that the City Engineer is also recommending that they not create this as a building lot.

Chair Parkins asked if this would just get split in half and divided equally.

Mr. Schultz responded correct.

Comm. Harger asked if they do have to compensate the City.

Mr. Schultz responded yes.

Chair Parkins stated that they would have to purchase it from the City. She asked if they could get another building lot in there.

Mr. Schultz responded that they are saying no but that is up to the Alderman. If this Commission reports favorably, they may want to say that they concur with the findings of the City Engineer. If they want to emphasize that they don't want to allow it to be building lot, he'll write that again. He added that he thinks that is important.

Chair Parkins stated that it would be tight to put a house in there.

Mr. Schultz responded that they do have sewers there and they do put homes in sideways too.

Chair Parkins commented that they could put the driveway in and have the garages facing that other way. She asked what the acreage was on it.

Mr. Panico responded 50 x 137, about 6500 square feet. It wouldn't be eligible as a lot.

Comm. Matto asked why anybody would buy it if doesn't become a lot.

Comm. Harger responded (inaudible) expansion ...

Chair Parkins stated that these two people could increase the size of the yards.

Mr. Schultz commented that right now, Joe Public could walk it, if there is a path. The residents on either side could stop that and put a fence across.

Comm. Matto asked if there was a lot-sized piece of land that could end up with no one managing it in any way.

Chair Parkins responded right, so it would become overgrown – but it is right now.

Mr. Schultz agreed but added that it would go on the tax rolls.

Mr. Panico stated that is why it is preferable that it be divided and sold to each of the abutters.

Comm. Matto asked what happens if they don't want it or they already have the full use of it – why would they would buy it.

Mr. Schultz responded that then the Aldermen could say to keep it status quo but they have to go through the public hearing process.

Chair Parkins asked if they knew what the condition of it was right now.

Mr. Schultz responded unmaintained and vegetated, steep topography. It has become a shortcut for the kids in the neighborhood to get from Point A to Point B.

Mr. Panico added that normally when a proposal like this comes on a (inaudible) list is because somebody has initiated it. Someone has gone to someone and asked why they can't get this eliminated – so they can buy it or they can buy half of it. He stated that he suspects that something is going on in the background.

Chair Parkins commented that she suspects that somebody wants to buy it and build a house on it.

Mr. Panico indicated that could very well be.

Comm. Matto agreed, yes why not.

Mr. Schultz indicated that it is up to the Aldermen.

Mr. Panico stated that they try to discourage building on 50 foot lots.

Comm. Pogoda added that it is very steep over there too.

Comm. Matto asked if that is all that is in that area or are there some bigger lots there.

Mr. Schultz responded that they do have some 50 x 100 lots and they are on the map there. It is not inconsistent with the neighborhood but it is something that the Commission doesn't promote.

Comm. Matto stated that she didn't really have a strong feeling about it but was just asking. She asked why, if there was this little piece of land that nobody could use, why would she buy it.

Chair Parkins responded that the thing is that they can use it.

Mr. Schultz stated that they would be able to control it and not allow Joe Public to walk over it.

Chair Parkins indicated that there is less than ¼ acre on those two houses so if they take it and split it in half, it would increase those yards by quite a bit – if that is the purpose and those abutters are doing that. If it is just a separate developer looking to purchase it to build a house, then...

Mr. Schultz reiterated that the Aldermen want to hear from the Commission. He asked if they wanted to report unfavorable or favorable with those conditions.

Chair Parkins responded that it would not matter to her.

Mr. Panico asked if, as far as he knew, the request just came from the Mayor's Office not from the Mayor's Office on behalf of somebody.

Chair Parkins asked if they could get access onto to Coram Road.

Mr. Panico responded yes, if it is raised away from the road. They could still build up there.

Comm. Harger responded that if the garages were underneath and the garages faced Coram Road and the house would be up on top.

Mr. Schultz stated that ideally it would be better to access it from the top for marketability.

Comm. Pogoda stated again that it is steep and his daughter knows someone that lives near there.

Chair Pogoda asked if they really care whether they build a house there or not.

Mr. Schultz responded no, their job is to say whether a road should go through there or not for overall circulation.

Mr. Panico asked how cars turn around now at the end of Westminster.

Mr. Schultz responded awkwardly; it is very tight.

Comm. McGorty stated that you have to do a 10 point turn there.

Comm. Pogoda stated that he is sure the people there would fight to keep that street a dead end. If you are living on a cul-de-sac, you sure don't want straight through traffic to Coram Road.

Chair Parkins responded that she wasn't saying that.

Comm. Pogoda commented, no, he doesn't think they would want anything going straight through.

Chair Parkins is just saying that if they put a house there, these people would have access to Coram Road, if they put their driveway out to Coram instead onto Westminster.

Mr. Schultz reiterated that the Aldermen control the fate of this. It is an established right-of-way.

Comm. Matto commented that they are just abandoning the paper street so no one can put a road there.

Mr. Schultz stated it is a planning issue.

Mr. Panico commented that he was surprised that there are no utilities going through there.

Mr. Schultz responded no – not that they are aware of.

Chair Parkins asked for a motion for a favorable referral.

Comm. McGorty motioned for a favorable referral. Comm. Pogoda seconded.

Mr. Schultz asked if they wanted to concur with the comments of the City Engineer. It includes his comment that the abandoned street should not be established as a building lot for new residents.

Chair Parkins asked if that was the City Engineer's call.

Mr. Schultz responded no, it isn't. It is the Aldermen's call.

Chair Parkins indicated that they would just keep the motion as favorable with no references.

Comm. McGorty agreed to leave it as just favorable.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to report favorably on the 8-24 Referral for the Abandonment of a portion of Westminster Avenue.**

### **ZONING ENFORCEMENT**

#### **34 Tower Lane**

Mr. Schultz stated that Staff issued a Cease & Desist Order for 34 Tower Lane for the following violations: dumpsters, which he is pleased to report have since been removed; employees for an alleged business there that are parking, and using commercial trucks.

Chair Parkins asked where Tower Lane was located.

Comm. Pogoda responded it was off of Waverly.

Mr. Schultz reiterated that there were commercial vehicles and pedestrian vehicles parking at this residence.

Comm. Harger asked if they were landscapers or something.

Mr. Schultz responded yes and added that thirdly, allowing two commercial vehicles to park overnight. They really pushed the envelope, went to the ZBA to get relief and it was denied. This is a Cease & Desist Order. He personally went up there last Friday. They are cleaning it up but Staff, nevertheless, wants to take it to this level so they put a Legal Notice in the paper indicating that they would take it to the next level if it is not cleaned up. There is a lot of neighborhood outcry on this one. Staff recommends that the Commission authorize legal action for this, if deemed necessary.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to authorize legal action, if necessary, for Zoning Enforcement at property located at 34 Tower Lane.**

### **STAFF REPORT**

Mr. Schultz provided copies of the P&Z Staff Report for all Commissioners.

**\*See attached P&Z Report from Richard Schultz, P&Z Administrator dated 11/12/13.**

He reviewed ZBA issues for December ZBA Meeting including a use variance application to allow poultry on a lot under five acres. Those regulations will also be reviewed at the Zoning Subcommittee in addition to the Medical Marijuana issues.

Additionally, Mr. Schultz discussed CT Siting Council issues, Zoning Subcommittee, Downtown Subcommittee (upcoming meeting 11/26), and Zoning Enforcement issues (no more Mill Street camper) including Sign Enforcement. He added that there were no special meetings in November with the next regular meeting to be held on 12/10/13.

Comm. Flannery said goodbye since this was her last meeting on the Commission. She thanked everyone for the last four years. Comm. Matto will be departing the Commission as well.

**ADJOURNMENT**

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 9:02 p.m.**

Respectfully Submitted,

*Karin Tuke*

P&Z Recording Secretary