

**SHELTON PLANNING & ZONING COMMISSION**

**DECEMBER 18, 2013**

The Shelton Planning and Zoning Commission held a special meeting on Wednesday, December 18, 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 Jim Tickey  
   Commissioner Nancy Dickal  
   Commissioner Frank Osak (alternate)

Staff Present                      Richard Schultz, P&Z Administrator  
   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 began the P&Z Special Meeting at 7 p.m. with the Pledge of Allegiance and a roll call of members present. She introduced Commissioner Frank Osak as a new alternate member and added that he would be sitting in for new Commissioner Jim Tickey who has been delayed this evening. She congratulated everyone on their elections, re-elections and appointments. She stated that they look forward to working together as a solid Commission as they have in the past.

**ORGANIZATIONAL MEETING**

Chair Parkins indicated that their first order of business was the organizational meeting and the election of officers for the upcoming two years. She asked if there were any nominations.

**Election of P&Z Chairperson**

Comm. Pogoda nominated Ruth Parkins for the Chairperson of the P&Z Commission. Comm. Harger seconded. A vote was taken.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve the nomination of Ruth Parkins as P&Z Chairperson for the next two year term.**

Chair Parkins commented that she appreciated their confidence in her and she looks forward to representing and working with the Commission to do what they are charged to do, and that is to make solid decisions for the benefit of their entire community as well as insuring the quality of life for their residents and people who elected them to this position. She asked for nominations for Vice Chairman.

**Election of P&Z Vice Chairperson**

Comm. Harger indicated that she wanted to nominate Tony Pogoda as Vice Chair. Comm. McGorty seconded. A vote was taken.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the nomination of Anthony Pogoda as P&Z Vice Chairman for the next two year term.**

Comm. Pogoda thanked everyone for nominating and appointing him to this position. He hopes it will be another good year working together – both Democrats and Republicans – and as Ruth

just said, for the betterment of their City. Everything has been going great so far and commented that he hopes to continue on the same path.

Chair Parkins responded that Comm. Pogoda brings a lot of experience as the longest serving, senior member of their Commission as well as Mr. Osak whose has a previous history with this Commission as well.

Mr. Osak commented thank you.

### **Election of P&Z Secretary**

Chair Parkins indicated that they need a nomination for P&Z Secretary.

Comm. McGorty nominated Ginny Harger for P&Z Secretary and Comm. Dickal seconded. A vote was taken.

**On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve the nomination of Virginia Harger as P&Z Secretary for the next two year term.**

Chair Parkins commented that she looks forward to having Comm. Harger read all of their correspondence.

Comm. Harger stated that she would bring her outside voice – not her inside voice...

Chair Parkins added that Comm. Harger does such a good job when she comes prepared with a big bottle of iced tea.

### **SELECTION OF MEMBERS TO SUBCOMMITTEES**

Chair Parkins indicated that they also need to make some nominations to their subcommittees. They have their Downtown Subcommittee (DSC) and the Zoning Subcommittee. She asked Comm. Harger if she would be willing to continue leading the DSC.

Comm. Harger responded yes, she would be happy to.

Chair Parkins commented that she was going to ask Comm. Tickey if he would join the DSC because she believes that he is local in this area and could attend their Friday morning meetings. She indicated that she will check with him when he arrives. For the Zoning Subcommittee, she asked Comm. Pogoda if he would like to continue with his current position as chair.

Comm. Pogoda responded yes, he would.

Chair Parkins asked if Comm. McGorty would like to continue on the Zoning Subcommittee. He responded yes.

Chair Parkins asked Comm. Dickal if she would like to join Comm. Pogoda and Comm. McGorty on the Zoning Subcommittee.

Comm. Dickal asked what day they usually meet because she would have to arrange it in her work schedule.

Comm. Pogoda responded that it really varies – Tuesday, Wednesday or Thursday, generally in the mornings.

Comm. Dickal stated that they recently changed her work shift from the night shift so now she works days and evenings. She has a six week projected schedule. She commented that if she has a schedule of the Subcommittee meetings than she may be able to rearrange her work schedule.

Comm. Pogoda responded that he generally doesn't care when it is held because he is retired so it can be any day for him. He added that at the time when Comm. Flannery was on the

subcommittee she was unable to make the meetings but Tom works locally and it was easier for his schedule in the morning around 9 or 10.

Comm. Dickal stated that if she isn't working days that will be fine but normally she begins around 7:00 a.m. She added that if she knows the schedule she can put it out.

Chair Parkins commented that the Zoning Subcommittee tends to meet as needed; whereas, the DSC generally meets monthly on Friday mornings. She indicated that the Zoning Subcommittee is more flexible in that it is as needed, so Rick Schultz will send out an email stating when they need to meet and ask what would work best for everyone.

Comm. Dickal responded OK, no problem.

Comm. Pogoda added that if she can make, they would appreciate it.

Chair Parkins stated that all the meetings – both the DSC and Zoning Subcommittee – are open to all members to attend and participate. They only thing they have to be careful of is having more than three members sitting because then it is a quorum and it becomes a meeting and that has to be announced.

Comm. Dickal responded OK.

Comm. Osak asked if she just indicated that 3 was a quorum.

Chair Parkins clarified that three members is a quorum on their Subcommittees. She moved on to Old Business and indicated that she would take items out of order to accommodate the applications for the people present in the audience first. They began with #6643 for a business occupancy on Long Hill Cross Road.

## **OLD BUSINESS**

### **APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

#### **SEPARATE #6643: DAVID MARASCO, 128 LONG HILL CROSS ROAD, BUSINESS OCCUPANCY**

Mr. Schultz stated that there was an error on the agenda and the correct address is 128 Long Hill Cross Road. This is West-Conn Tool & Die, Inc. and it will be occupying a building previously occupied by Test America on Long Hill Cross Road on the right hand side past Forest Parkway. The building is set back and contains 15,400 square feet. There will be 15 employees, hours of operation Monday through Friday, 8 a.m. to 4:30 p.m. There is plenty of parking.

Chair Parkins asked if they would be occupying the whole 15,000 square feet.

David Marasco, the Applicant, responded yes and stated that they are in the process of moving.

Mr. Schultz provided a site map showing the location off of Long Hill Cross Road and the proximity to Forest Parkway. He showed the building location and the parking lot on the site. He commented that this would be a great fit.

Chair Parkins asked if this was a standalone building.

Mr. Marasco responded yes.

Mr. Schultz added that it is a permitted use. It is manufacturing so it's great.

Comm. McGorty asked for some more information about the company.

Mr. Marasco responded that it is West-Conn Tool & Die. They manufacture medical instruments – prototype kind of stuff. He provided the example of the types of tools necessary for a person to have, perhaps, a back operation. The tool needed would require that a prototype

be created. Once the tools are perfected, then the tools would go into actual production at a different vendor.

Chair Parkins asked if this was an existing business.

Mr. Marasco responded yes, they are located in Stratford right now with about half the square footage. They are looking to expand and want to move to Shelton.

Chair Parkins commented that it's great that they are looking to expand and added "Welcome to Shelton."

Mr. Schultz added that Staff recommends approval.

**On a motion made by Comm. McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6643 for business occupancy.**

Mr. Marasco thanked the Commission for taking his application early.

**SEPARATE #6642: CURTISS RYAN HONDA, 405 BRIDGEPORT AVENUE, TEMPORARY STORAGE OF VEHICLES**

Mr. Schultz stated that once again Curtiss-Ryan is before the Commission requesting temporary storage for up to 100 vehicles. He commented that in the past the Commission has granted up to one year for temporary storage of vehicles. He added that in talking with the Applicant, he can reduce that to six months. He asked the Applicant if that was correct.

**Ed DeMarseille, the Applicant, co-owner Curtiss-Ryan Honda, 405 Bridgeport Avenue addressed the Commission.** Mr. DeMarseille responded that usually once the spring market breaks and sales increase and the number of cars that are sent to them decreases a little bit then they won't need that much space anymore. He commented that since they have to pay for that space, they want to get the cars out of there as soon as possible. He commented that he wasn't sure that they would even need the full six months but they want to take into the springtime (April, May).

Comm. Harger asked if this was in addition to the kitty-corner area across from Webster Bank. She added there was an area there with a chain-link fence lot.

Comm. Pogoda commented yes, their State lease.

Mr. DeMarseille responded yes, right across the street.

Comm. Harger asked if this one would be across the street from that.

Mr. DeMarseille responded yes.

Comm. Harger asked whether or not Atty. Dominick Thomas, a number of years ago, represented them about being located up by the Commuter Parking Lot on Bridgeport Avenue, up on that hill.

Mr. DeMarseille responded yes, they have an acre and a half of property there that is all fenced in and they store all brand new cars there.

Comm. Harger asked if that was still in use.

Mr. DeMarseille responded yes, they are still bringing cars there and that lot is just about full.

Comm. Harger commented, OK then it is still active.

Chair Parkins asked if this application was the old Crabtree property by Access Road which has been shut off and purchased by the current owner of the Crabtree property. She asked if they would be storing between the lot and Access Road.

Mr. DeMarseille responded yes, if you are standing on Bridgeport Avenue and looking at the old Crabtree facilities, it is the property all the way to the right where the old Mitsubishi building used to be. He added that it would be all the way across the front and when that is full, they will use the area right behind that big parking area.

Chair Parkins commented that she thinks it is great that their business is picking up and they see a lot of cars coming in. She indicated that her concern is that that property is for sale so she doesn't know, nor is it her business what type of lease agreement they have with the current owner, but she wouldn't want to see them get into a situation where the property can't move forward - because people want that property moved forward with the development that has been approved there. She wouldn't want them to be unable to move forward because they are holding a storage lease.

Mr. DeMarseille responded that he doesn't have any type of long term lease with him. He is going month to month and he's sure that if the property was sold tomorrow then he would move his cars the day after. He added that, hopefully, that won't happen until at least March 1<sup>st</sup> or April 1<sup>st</sup>.

Chair Parkins commented that she didn't see it happening that soon.

Comm. Osak asked if that was a permitted use.

Mr. Schultz responded yes. He asked the Chair if they would be going with the six month limit which can be renewed.

Chair Parkins responded yes, no problem.

Comm. Osak asked for clarification as to why they put a time limit on it.

Mr. Schultz responded that the Commission approved the project for the Crabtree site so ...

Chair Parkins added that there is a current PDD there.

Mr. Schultz added that the Applicant has agreed to it too. They have been given up to a year before. It is temporary storage.

Comm. Osak responded OK.

**On a motion made by Comm. Harger seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6642 with the six month limitation for temporary vehicle storage.**

Comm. Tickey arrived at 7:10 p.m.

Chair Parkins welcomed Comm. Tickey to the meeting and moved onto #6649.

**SEPARATE #6649: LAURETANO SIGN, 1 PARROT DRIVE, SIGN**

Mr. Schultz presented renderings of proposed wall and ground sign changes at One Parrot Drive. He added that this is the first building going up the hill after Ruby Tuesday's.

Comm. Harger asked if the name of the company was "e a o."

Mr. Schultz restated that they are looking at a wall sign proposal and two monument signs.

**Robert Huspek, representing Lauretano Sign, Terryville, CT addressed the Commission.**

Mr. Huspek stated that the two free-standing signs are existing and they are just putting in replacements. The letters are on the rear of the building over their tenant space, non-illuminated pre-fabricated letters which match the existing letters.

Comm. Harger asked if "e a o" stands for anything.

Mr. Huspek responded that he *Googled* it trying to figure that out but couldn't find anything. All of their references with them always use "e a o" though.

Chair Parkins asked if it was a business which was approved.

Mr. Schultz responded yes it was approved. It was multiple occupants in that building.

Mr. Huspek referenced the second to the last page of the pamphlets he provided, he noted that the lettering matches the sign in the rear of the building.

Comm. Harger asked for clarification on the location being in the corner.

Mr. Huspek responded no, it is farther down the driveway.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #6649 for signage.**

Mr. Huspek asked the Commission if he could speak to them about a late addition in their plans for Adam's Supermarket signage. He provided a rendering showing the replacement of their current sign with a very similar sign.

Mr. Schultz stated that this is not on the agenda tonight but he just wants to show the Commission the rendering.

Mr. Huspek indicated that he was hoping to get the Commission's opinion on the sign for Adam's Supermarket.

Mr. Schultz added that this is in the White Hills Shopping Center.

Chair Parkins asked if he just wanted to know before he moves forward with it.

Mr. Huspek responded yes and hopefully so that he wouldn't have to come back in two weeks (inaudible)...

Chair Parkins stated that if it is not on the agenda then he will have to come back.

Comm. Harger stated that she likes the new sign much better than the old one. It is much nicer.

Mr. Schultz asked if the other Commissioners liked it.

Comm. Pogoda responded yes, it looks updated and cleaner. Comm. Dickal agreed.

Chair Parkins stated that he wouldn't have to physically come down here for it though. She doesn't think anyone has (inaudible)...

Mr. Schultz stated that everyone seems satisfied with it. It is much cleaner. It is a net positive.

Mr. Huspek added that it is actually 14 square feet smaller.

Comm. McGorty commented great, it is a little bit smaller.

Chair Parkins stated that it is a good rendering and they appreciate when they are shown something good, with the size of the building in relation to the sign. She reiterated that he would not have to come back in person for this. She added that she doesn't think there will be a problem but it does have to go onto the next agenda for approval though.

Mr. Huspek thanked the Commission. Mr. Schultz commented that he would see him tomorrow for the current permit and take care of anything else.

**SEPARATE #6646: ANDREW VENDITTI, 90 HUNTINGTON STREET, BUSINESS OCCUPANCY**

Mr. Schultz indicated that this is the Huntington Street Café. The Commission originally approved it and then they added wine and beer. He indicated that with the new ownership, they are maintaining it but they are going for a full liquor license which will include a service bar only. In the very beginning, when this first opened up, the Commission was quite concerned about the parking because they had the overflow parking that grew on Lane Street. This is 1,100 square feet of patron area, 8 employees, hours of operation Monday through Thursday 7a.m. – 9 p.m. He asked the applicant what the other hours would be.

**Andrew Venditti, owner of Huntington Street Café addressed the Commission.** Mr. Venditti responded that they were open Friday and Saturday, 7:30 a.m. to 11 p.m. because they usually have live music. He indicated that they were closed on Sundays.

Chair Parkins commented that if it is just service bar only so there is no bar service with people sitting on stools.

Mr. Venditti responded no, not yet, they are hoping to eventually get to that point.

Chair Parkins stated that she thinks that they are going to have an issue with parking if they try that.

Comm. Pogoda agreed.

Mr. Venditti commented that he knows that there is the overflow on Lane Street around the corner. He stated that because there are so few seats, they are looking at 9 or 10 seats. He added that it really wasn't increasing the occupancy of the building that much because the number of seats would be the same as they are now. They have seen it pretty busy on Friday and Saturday nights and they haven't encountered a problem thus far.

Comm. McGorty indicated that isn't what this is for right now so they will address it when it comes up.

Chair Parkins agreed and added yes, they would have to come back.

Comm. Pogoda recommended that their employees, he said there were 8 employees, park in the overflow parking to begin with.

Mr. Venditti responded yes, they currently do that.

Comm. Pogoda indicated that would be a good start, if they do that to save the other parking for patronage for the front.

Mr. Venditti responded yes and added that 90% of that building closes at 5 p.m.

Comm. Pogoda agreed and said that he was just going to say that even Real Estate Two. He asked if he's interacted with them to park in their parking lot.

Chair Parkins commented that Real Estate Two owns that building so...

Comm. Pogoda stated yes, but to allow permission to use that parking lot at night.

Mr. Venditti responded yes, she's their landlord and she has given them that approval for parking as soon as she closes.

Chair Parkins told the Applicant that the business seems to be doing well. She indicated that she had been there on a Friday night for the music and tapas; it is very nice.

Mr. Venditti thanked her for coming and indicated that he wanted the Commission's opinion on the consumer bar if they have any opinion. He would really like to move that kitchen downstairs and it is very tiny. They want to take that little area and turn that area which is essentially a bar, into a bar. He knows it has been brought up before and wasn't viewed favorably because of the clientele at that time being mostly kids. He added that they used have the couches and they were attracting the wrong customers. Mr. Venditti stated that he's gearing more toward the professionals, a more mature audience.

Chair Parkins suggested that he should call and make an appointment with Rick Schultz to have a Staff discussion rather than presenting it because he doesn't really have any plans for a full discussion yet. She added that Rick could set something up and she typically attends those Staff meetings as well and ideas can be run by them at that point.

Mr. Venditti responded that would be great. He thanked the Commission.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #6646.**

**SEPARATE #6650: BARBARA BELMONT, 469 HOWE AVENUE, BUSINESS**

Mr. Schultz stated that this the location where the Republican Headquarters was and Barbara Belmont is here to start a retail business selling electronic cigarettes. As the Commission is aware, this is something that is new in the retail industry. Barbara will explain what she will be selling besides electronic cigarettes. He stated that the size of the store is 1,100 square feet, three employees (one full time and two part time), 2 parking spaces supplied by landlord in addition to Howe Avenue curbside parking.

Chair Parkins asked where the two parking spaces were located.

Ms. Belmont stated that they are right behind the building where the landlord owns a lot in the back. She added that is where he told her – behind the building.

Chair Parkins responded OK, it is not along the side – not the Viadoc? parking lot.

Mr. Schultz stated that the electronic cigarettes are a new concept and there are no age restrictions with it that he's aware of.

Chair Parkins asked what else she will be selling.

Ms. Belmont responded electronic cigarette accessories like purses, pouches, some jewelry. These are the more expensive electronic cigarettes. They will be carrying wicks, batteries – there are a lot of different accessories. She looked into it and found that there are already 12 people in Shelton who are selling them. She indicated that they are selling them right across the street – the Cigar place and 4 other places along Howe Avenue already selling them. Ms. Belmont indicated that she feels that the problem with electronic cigarettes is that they should be regulated.

Chair Parkins asked if they were currently regulated.

Ms. Belmont responded no and she feels that they really should be because ...

Chair Parkins asked if a 14 year old could go and buy them.

Ms. Belmont responded that she would not sell them to a 14 year old, no.

Chair Parkins asked if technically, legally they could buy them though.

Ms. Belmont responded yes, legally they can which is a real problem.

Mr. Schultz clarified that they could have them on their possession.

Ms. Belmont stated that worse than that is that they can go online and buy them. She is really in favor of regulating these cigarettes because she doesn't think teens should have them. She commented that they are better than smoking real cigarettes but they aren't better than not smoking at all.

Chair Parkins stated that if they give the legislators some time, they'll legislate it.

Ms. Belmont stated that currently they can go online, click and it asks if the purchaser is at least 18 years of age and they can just say "yes" and buy them.

Chair Parkins asked what the hours of her operation would be.

Ms. Belmont responded 11 a.m. to 7 p.m.

Comm. Harger asked how many days a week she would be open.

Ms. Belmont responded 6 days a week, Monday through Saturday.

Mr. Schultz indicated that no signage was being requested.

Ms. Belmont stated that the landlord will not let them put a sign up - only a window decal.

Chair Parkins responded OK but they do have sign regs in terms of the coverage of windows. One decal is fine but if there are a lot of things being put up on the window then she'll need to check out their Sign Regulations to make sure that she is conforming with the regulations.

Ms. Belmont responded OK.

Comm. Harger asked if she would be having any type of business name sign and if she would be coming back for something like that.

Ms. Belmont responded no because the owner has redone the outside of the building and did a nice job with it so he only wants her to have the window decal. She commented that the window decal that she ordered is about 1/3 of the whole window.

Mr. Schultz indicated that he would go over that with her.

Comm. Pogoda suggested checking it out because there is a size regulation as to the amount of the window covered.

Ms. Belmont responded OK.

Chair Parkins stated that she believed that it could be no more than 50% of the window.

Ms. Belmont indicated that it was nowhere near that because she wants some light to come in there.

Chair Parkins asked if this was a permitted use.

Mr. Schultz responded yes, it is retail.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6650.**

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

Mr. Schultz stated that this is the We Buy Gold, Silver, Platinum, Coins... This was previously the Doggy Style Salon and it is 150 square feet, one employee with hours of operation Monday through Friday, 9 a.m. to 6 p.m. and Saturday 9 a.m. to 1 p.m. They are not proposing a sign at this time.

Mr. Schultz stated that this is not a pawn shop which is regulated. It has to go through the local Police Department.

Comm. McGorty asked if this was the place that says “We Buy and Sell Gold” with all those flags, banners and all that stuff.

Chair Parkins responded yes. They don’t have to have a sign but there is enough stuff in the window.

Comm. Harger added that it won’t leave you guessing what it is.

Comm. McGorty asked if by not calling yourself a pawn shop, than it is alright. It seems like that is what they are doing.

Chair Parkins agreed and asked Rick Schultz how that works because if they are acting like a pawn shop then how can they say they aren’t a pawn shop – just by saying that they aren’t a pawn shop.

Mr. Schultz responded that he sent an email to the Chief of Police because they do the background checks. They are looking into that.

Comm. Harger asked if he got a response yet.

Mr. Schultz responded no.

Comm. Harger requested tabling this until they get the response.

Comm. Pogoda agreed.

Mr. Schultz responded OK, he just wanted to get the application in because he was in there before the Commission acted on it.

**On a motion made by Comm. Pogoda seconded by Nancy Dickal, it was unanimously voted to table Separate #6624.**

**SEPARATE #6639: WAL-MART, 465 BRIDGEPORT AVENUE, CHANGE OF HOURS**

Mr. Schultz indicated that as the Commission is aware, they would like to have Wal-Mart come in at the beginning of the year and advise the Commission as to all of their plans for extended hours; however, they recently changed all of their managers.

Chair Parkins asked if this was the beginning of the year for next year.

Mr. Schultz responded no, this was just for Black Friday, but with the new management he is going to have them come in shortly and do the planning for the whole year because it is something that the Commission expects.

Mr. Schultz stated for the benefit of the new Commissioners, Wal-Mart is a Planned Development District (PDD) and the hours of operation are controlled by the P&Z Commission. This application for change of hours was for the Thanksgiving/Black Friday hours.

Comm. Harger asked if Thanksgiving wasn’t a month ago...

Chair Parkins asked for clarification that this application was for Thanksgiving. She joked that they should tell them no.

Mr. Schultz commented that he believes they were quite successful.

**On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to approve the change of hours for Separate #6639.**

**SEPARATE #6647: TURNER CONSTRUCTION, 50 WATERVIEW DRIVE, BUSINESS**

Mr. Schultz indicated that this was Scinto's newest building on Waterview Drive and Turner Construction is moving their corporate offices there.

Comm. Harger commented that was great. She asked where they were located before.

Mr. Schultz responded Trumbull. Turner Construction will be leasing 9,000 square feet in a building of 91,000 square feet.

Chair Parkins commented that was about 10% - that is fantastic.

Comm. Pogoda asked if this was Scinto's newest building.

Mr. Schultz responded yes. Hubbell is on the left side and this is his newest building on the right side. There will be 15 employees, hours of operation Monday through Friday. Mr. Schultz commented that Mr. Scinto is continuing to get some nice tenants.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6647.**

**NEW BUSINESS**

**APPLICATION #13-16: GRACE LANE BUILDERS, LLC FOR MODIFICATION OF SITE PLAN APPROVAL (BUILDING ADDITION), 90 OLIVER TERRACE (MAP 63, LOT 13), 1A-3 DISTRICT – ACCEPT FOR REVIEW**

Mr. Schultz indicated that this was Winter Bros. Recycling - it would just be to accept.

Chair Parkins asked if there was any discussion on it tonight and if they were just accepting it for review.

Mr. Schultz responded that is right.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept Application #13-16 for review.**

Mr. Schultz indicated that John Paoletti will explain that this location is facing the building coming in to the left side, and Winter Brothers wants to put their corporate offices there.

**John Paoletti, representing Winter Bros. Recycling, Shelton addressed the Commission.**

Mr. Paoletti indicated that this was for an approx. 4,000 square foot office space addition on the rear portion of 90 Oliver Terrace. He asked if the Commissioners received the location maps.

Chair Parkins responded yes, she believes they were given to everyone in their package.

Mr. Schultz commented that this building is serviced by an onsite septic system.

Mr. Paoletti responded that they are waiting for Valley Health to give them an approval to relocate the pump chamber. It is in the way of the addition right now. They are in the process of filing a B100 for a relocation. The tank would have (inaudible...)test it in place already...it is a matter of them proposing a location and they will approve it so they can move the tank and the pump chamber, then they'll propose the new addition.

Mr. Schultz asked if the municipal sanitary sewers were several hundred feet away.

Mr. Paoletti responded that they were 700 feet away.

Mr. Schultz reiterated that they were 700 feet away – he indicated that this was the old B&D Molding. It is an isolated building that has on-site septic. The on-site soils up there are very

good and it has never been an issue so it is one of those unique sites in Shelton that still have on-site septic.

Chair Parkins commented that this wouldn't require a public hearing.

Mr. Schultz responded no it would not because it is an as-of-right building addition, 4000 square feet.

Chair Parkins asked if there would be any other referrals that will be needed.

Mr. Schultz responded yes, the City Engineer but it is pretty straightforward, Fire Marshal and Valley Health. He commented that they would have those for the next meeting.

Chair Parkins stated that they would discuss it in more detail at the next meeting.

**APPLICATION #13-15: PRECISION RESOURCE FOR MODIFICATION OF SITE PLAN APPROVAL (PARKING EXPANSION), 25 FOREST PARKWAY (MAP 64, LOT 34), LIP DISTRICT – ACCEPT, DISCUSSION AND POSSIBLE ACTION**

Mr. Schultz stated that this application is for a parking expansion and it is located across the street from the Post Office. He provided a site plan of the proposed location. He read the correspondence he received from the Fire Marshal, City Engineer and John Cooke indicating no issues.

**\*See attached correspondence dated December 5, 2013 to Richard Schultz, P&Z Administrator from John Cooke, Shelton Inland Wetlands.**

**\*See attached correspondence dated December 5, 2013 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal.**

**\*See attached correspondence dated December 5, 2013 to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer.**

Comm. Harger asked for clarification about the location on Forest Parkway across from the Post Office Annex. She asked if he was talking about the empty lot or the building next to it.

Mr. Schultz responded yes next to it, well more diagonally.

Chair Parkins added that it isn't really visible from the road but this is one of those things where this is good problem for them to have. They have two shifts that overlapping and there is not enough parking.

Comm. Pogoda asked if this is the one that was going to put the windmill in.

Mr. Schultz responded no, that was the next one down.

**On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to approve Application #13-15.**

**APPLICATION #13-17: PETITION OF HAWKS RIDGE OF SHELTON, LLC FOR PDD ZONE CHANGE, INITIAL DEVELOPMENT CONCEPT PLAN AND AMENDMENT OF FUTURE LAND USE PLAN APPROVALS (54 SINGLE FAMILY DEVELOPMENT, 57 UNIT MULTI-FAMILY DEVELOPMENT AND ASSISTED LIVING FACILITY CONTAINING 196 UNITS), LONG HILL CROSS ROAD AND BEARD SAWMILL ROAD (MAP 39, LOT 14 & 17 AND MAP 51, LOT 7), LIP DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING**

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to accept Application #13-17 and schedule a public hearing for Wednesday, January 22, 2014 in the Shelton City Hall Auditorium.**

Comm. Harger asked if they had information available regarding lot sizes on the single family section.

Mr. Schultz responded that he would get that for her.

Comm. Harger referenced a chart previously provided of properties and requested that it be updated.

Mr. Schultz responded OK.

**APPLICATION #13-18: BISHOP MANAGEMENT OF SHELTON FOR MODIFICATION TO BOUNDARY OF PDD #73 AND DETAILED DEVELOPMENT PLANS (GRADING PLAN), 7881-785 RIVER ROAD (MAP 12, LOTS 11, 29 AND 43) – ACCEPT AND SCHEDULE PUBLIC HEARING**

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to accept Application #13-18 for discussion.**

**James Swift, P.E. and Landscape Architect addressed the Commission.** Mr. Swift indicated that he would review this quickly because most of the Commissioners are aware of this project down on River Road across from the Golf Center.

Mr. Swift provided a site map and explained that it was the area that has been excavated. He showed the location of the proposed development and explained that the owner swapped property that he previously owned for another property owned by another gentleman on Wintergreen Avenue. He added that all it did was square things up a little bit; nobody really paid any mind to it.

Mr. Swift explained that when that was done, the owner didn't change or intend to change the design of the development. The building is the same, the parking is the same and all elements of the proposed design are the same. However, he did gain a little bit of extra room for some grading which, as it turns out and he'll discuss further in regard to the Stop Work Order, that he graded into. He did this - well actually the field guys did it - without proper authorization.

Mr. Swift commented that what they are doing is filing for an amendment to the Planned Development District that was previously approved to change the perimeter of that PDD. He used the site drawing to show the perimeter change. He indicated that they would be proposing to change the perimeter shown by a brown line to a line going around the site encompassing a blue line shown on the map. He re-emphasized that there is no change in the parking, no change in the building area and no other physical changes to the actual improvements to be built.

Mr. Swift showed another rendering to explain that they did take exactly what was designed previously and approved previously, and slid it a few feet to the north. This is sort of a minor issue but if it is at all troubling, he can slide it back to its original location. Mr. Swift concluded that was the application that they are asking for.

Comm. Pogoda asked what the reason was for sliding it back.

Mr. Swift responded by showing that they had that same rock cut situation here. He explained that when the excavation was done under the original application, there were rock cut areas all around the side. Mr. Swift indicated that when he did his investigation of the site, he didn't have machine excavation or borings but in his physical examination with an iron bar, he thought there was a good chance that there was rock very close to the surface. He continued that the approved plans called for test bits to be done before the excavation took place all around that perimeter area to verify exactly what they were dealing with up there. In the event, the contractor got a little ahead of himself, didn't do those test bits and that is when the over-excavation took place. Mr. Swift stated that was how they got to where they are today.

Comm. Pogoda clarified that there was no change to the parking.

Mr. Swift responded no, it is all the same. He added that the only thing he did do, and they'll get to this with the Stop Work Order item on the agenda, he flipped the trash area and the transformer area. He will discuss a little bit in the future, there was a possibility of extending the project to the north. The homeowner is rightly concerned about what is going on and there was negotiation and discussion about purchasing the property to extend that way. Mr. Swift stated that what he would like to do on the future plans is to switch the electrical down so that if this building extends they won't have to worry about that.

Mr. Swift commented that the plans he is showing tonight are older paper plans with some minor changes shown. He will explain more in their next conversation as to what is presently going on but to build this building as it is currently approved is not necessarily going to interfere with anything that might happen adjacent, to the north – the building could still be extended in that direction. He reiterated that is why the transformer area and the trash area would switch.

Chair Parkins asked if what he is currently proposing, and what will be discussed at the public hearing, is that the building will be staying the same size.

Mr. Swift responded yes, same size.

Chair Parkins commented that this is just to enable this to move on and that hole in the side of the earth gets filled in with something.

Mr. Swift responded yes, what they discussed in technical sessions was how to proceed with this, it was a decision – and they concurred with Staff- that because the grading was off of the PDD property, even though there are new improvements, no light poles, no pavement, no buildings – the grading itself, Staff felt justified coming back to modify the PDD.

Chair Parkins stated that is what will be discussed again. There are two issues going on. The first being what is under their purview as the Planning & Zoning Commission and there is the civil matter which is not their concern. She indicated that they will schedule the public hearing for January 22, 2014.

Mr. Swift asked if it would please the Commission if it would be appropriate to discuss the Stop Work Order at this point.

Mr. Schultz indicated that the Stop Work Order is on the agenda under Other Business, Item C.

Chair Parkins responded yes, but first they would need the motion to schedule the public hearing.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to accept Application #13-18 and schedule a public hearing for January 22, 2014.**

Chair Parkins informed Mr. Swift for scheduling purposes that they would be putting his application first on the agenda for that public hearing for 1/22/14. She indicated that they would go out of sequence and move to Item C under Other Business regarding the Stop Work Order for this property at 781-785 River Road.

#### **OTHER BUSINESS:**

#### **STOP WORK ORDER, 781-785 RIVER ROAD – DISCUSSION AND POSSIBLE ACTION**

Chair Parkins asked Mr. Schultz if the Stop Work Order would be lifted as a result of this.

Mr. Schultz stated that the Applicant has requested that the Commission consider lifting the Stop Work Order which was imposed by Staff which stopped all of the work except for the stabilization. They would now like to proceed with the footings and the foundation.

Mr. Swift commented that he would bring the Commission up-to-date with what is going on. They understand the situation with the adjoiner and they have been working with him. They were in discussion about the purchase of that property but they ran into some roadblocks. There

is a little pinch point of property here where the purchase of the adjacent property is sort of blocked and becomes more or less useless to them. Because of that pinch point...

Chair Parkins asked if he was aware that there was a property transfer there.

Mr. Swift responded yes, they are aware now that the property has been sold. He wanted to state for the record that they are not an impasse but certainly things did not work out for the purchase of the property to this point. He feels, and his client feels, that there is not a lot of purpose served to continue holding the Stop Work Order in place because something is going to go in there depending on which location it is in. He added that he thinks the Commission has plenty of authority to keep on top of making sure that the adjoining property owner is dealt with in the new application.

Chair Parkins commented yes, they will.

Mr. Swift stated that to keep the property like it is will not really do anybody any good.

Comm. McGorty asked what would occur if it is lifted.

Mr. Swift responded that they would start the foundation.

Comm. McGorty asked if they knew where that was going to be.

Mr. Swift indicated that he will have to talk to his client. If he wanted to build the foundation slid the five feet then his risk is that, if the application is denied or does not go well, he will have to build a retaining wall of considerable height to satisfy the Commission. If you lift the Stop Work Order, he may very well decide to slide the building back to where it was originally approved to and build it there which he could do.

Chair Parkins stated that if they lift the Stop Work Order it has to go back to the original plan that was approved. She stated that he can't change this, he can't change the location, not now, not until it is approved.

Comm. McGorty agreed – it is just like giving carte blanche to...that's his concern

Comm. Pogoda commented that was why he asked why he was sliding it. If this is going to be a stumbling block why play the game back and forth - leave it in its present position.

Mr. Swift responded that he wanted to be completely forward about that there is...

Comm. Pogoda commented that he understands that but that's why he asked the question about why he wanted to move it forward.

Mr. Swift responded that it was just to give it a little more room. He wasn't getting anywhere near the property line.

Chair Parkins asked if it made sense to begin working at this time considering they are in the winter months.

Mr. Swift responded that he has tenants – when this started and they ran into these excavation problems which have taken 6 or 7 months – he has tenants and the tenants are ready to say...

Chair Parkins commented that they would love to see the place built but they don't want to get themselves into a place or backed up against a wall...

Comm. McGorty agreed and he would like to see it standing still and then they can approve that.

Mr. Swift stated that he can build it in the original location. He has the tenants and then would like to get this thing moving forward. He reassured the Commission that communications with the adjoiner are not closed. They are not at an impasse.

Comm. Pogoda asked if everything was stabilized.

Chair Parkins asked for clarification that they were not at an impasse or they are not closed.

Mr. Swift responded that the lines of communication are still open. They do not have an agreement but they are still talking. He added that there are things that they really want to do. There is a fence that needs to get back up. The 8 foot fence that was approved under the original application was put up on the wall as it stands; however, because they were still talking about what was going to happen in this area, they did not bring the fence down the hill. Mr. Swift stated that they want to bring it down the hill too, so they are ready to do that as soon as they get a couple of decent days of good weather – they'll get that done.

Comm. Pogoda asked if that was going to be the 8 foot fence.

Mr. Swift responded yes, it is 8 foot, the tight chain link – this is from the original approval.

Chair Parkins commented yes, it is the original approval.

Mr. Osak asked what the reason for the Stop Work Order and if adjoining owners complained.

Mr. Schultz reviewed for Comm. Osak that there was a deviation from the approved site plan. The grading went beyond ...it was a breach of the site plan.

Mr. Osak responded thanks, that answered his question.

Chair Parkins stated that this became a very complicated proposal so it might be worth it for the new commissioners to go back and read through the minutes to get the history of how this began and where it is today. She indicated that if they are asking the Commission to lift the Stop Work Order than it is under the condition of the original approval and the building stays exactly where it was approved.

Comm. McGorty agreed that is fair.

Mr. Swift responded that he understands.

Comm. Pogoda asked if that was Staff's recommendation.

Mr. Schultz responded yes and they have the bonding in place as required for the original project. The fencing has to be a priority because it is a public safety issue. He added that he has been in communication with the neighbor to the north on a weekly basis. The snow held up the installation of the fence.

Comm. Pogoda asked that the fence be done first.

Mr. Schultz responded yes, high priority.

Mr. Swift commented yes, not just the snow fence but the finished fence.

Comm. Pogoda stated yes, that is what he was talking about.

Comm. Dickal stated that the fence has to be the biggest priority.

Comm. McGorty indicated that he would make the motion if there is no more discussion.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to lift the Stop Work Order for property located at 781-785 River Road under the condition of the original approved plan and with a priority for fence installation as discussed.**

The Applicants from 25 Forest Parkway thanked the Commission for approving their application. Michael H. Horvill, Registered Land Surveyor and Todd Stockwell, Precision Resource apologized for being out in the hallway when the application was discussed.

Chair Parkins apologized because she didn't realize that the Applicant was present.

Mr. Horvill thanked the Commission on behalf of the Applicant for their quick action and the help of Staff in meeting with them and making revisions to the plans to meet with the Town's approval. He added that Precision Resource has been there since 1988 and they are a good neighbor. They want to stay there but did need to expand this parking lot and this approval will allow them to do that soon. He thanked the Commission and wished everyone a happy holiday.

Comm. Harger questioned a few of the Staff Approved Separates for more information such as the new business, Outpost Pizzeria (replacing old Villa Pizza), existing building renovations (old Beechwood Supermarket) and the Comm. approved building renovations to the Kidney Dialysis Center on Bridgeport Avenue.

### **PUBLIC PORTION**

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

Comm. Tickey inquired as a new Commissioner member why the Public Portion was in this order on the agenda.

Chair Parkins responded that is where they have it on the agenda. She stated that they try to get the Applicants who are on the agenda first so that they don't have to wait here. Sometimes when there is an item that is contentious and there are many people who want to speak then it can go on for a very long time and they want to allow those people to speak but the Commission also wants the Applicants to be able to get their applications reviewed. As he saw tonight, some of these applications go very quickly and they try to expedite it so that no one has to sit here for long periods of time.

Comm. Osak asked another procedural question. He asked about when the Commission is processing an application, no matter what it is, and someone in the audience wants to speak relative to that, but it is not the Public Portion, does the Commission permit them to speak or make comments.

Chair Parkins responded that they make allowances as they feel it is appropriate. If there are a lot of people in the audience, such as when they have a subdivision (i.e. Richard Boulevard) they allow it. However, if there is someone in the audience and they are heckling the Commission and being rude then ...

Comm. Osak stated he understands because she has to maintain order – she has the gavel.

Chair Parkins responded yes, exactly. They do try to accommodate people but typically when they have a public hearing, that is when something is not an allowed use...

Comm. Osak asked about other things that take place at the meetings, such as Application 13-17 (Hawks Ridge). He indicated that he's seen things about that application, he doesn't recall where, whether it was the newspaper or something, which leaves him to believe that it's been a matter before this Board for quite a while.

Chair Parkins responded that it was – it went to a public hearing – it was (inaudible)...

Comm. Osak commented OK, now it is back but they had a public hearing already. He asked if it was withdrawn.

Comm. Pogoda responded yes.

Chair Parkins added that's correct. They withdrew it before they made the final decision.

Comm. Osak asked if they had felt that things weren't going right so that went back and withdrew it. He asked if that is what happened.

Chair Parkins responded yes (inaudible)...

Comm. Osak commented that he was just asking the question because he was wondering if there was testimony given relative to this which he wasn't present for and if he'd be permitted to vote after the public hearing.

Chair Parkins stated that this is a brand new application from scratch. The old application is not going to be...they can go back to the minutes but it is not relevant because this is a whole new application with an entirely new public hearing.

Comm. Osak asked if after the public hearing, the Commission would discuss it on its merits and come to a decision on the application. He asked if that was their procedure that they follow.

Chair Parkins responded yes, that's correct. However, as long as the public hearing remains open, they cannot discuss it. She added that any discussion of the application has to be at this table.

Comm. Osak responded that he understands. He asked if after the meeting is closed they would have 60 days or so...

Chair Parkins responded yes, and then it is up for discussion amongst the Commissioners. She added that they cannot accept any new information from either the public or the Applicant at that point. Any questions that they have must be directed to Staff; the Commission cannot direct questions to the Applicant.

Comm. Osak asked if at this public hearing on January 22, they will receive testimony and the Commission can ask the Applicant any questions at that time.

Chair Parkins responded yes, absolutely.

Comm. Harger commented that the Applicant will make a presentation and then (inaudible)...

Comm. Osak stated that he's been through it a lot of times before but he was wondering what is going on now.

Chair Parkins indicated that they will make their presentation and the Commission will have any opportunity to ask them questions then it will be opened up the discussion to the public. The public will direct their questions to the Commission and then the Applicant will respond to those questions. All the communication is directed to the Commission.

Comm. Osak stated that he was just trying to get his mind back into this. He asked if it was OK if he calls Staff during the week and ask them other questions.

Chair Parkins responded sure, absolutely. She reminded Comm. Osak, that they had an opinion from Corporation Counsel that the alternate members cannot participate in the discussion unless he/she is sitting in at the Commission. The reason for this is because if they have the two alternates sitting in on the Commission then they really have a Commission of eight members rather than six. Therefore, they cannot allow the alternates to partake in the discussion, however, they certainly encourage the alternates to attend the meetings but they can't participate in the discussion of a regular meeting.

Comm. Osak asked what an alternate does if he/she has to vote in the absence of that party's nominee without having had the ability to discover facts because it would be difficult. He added that facts are discovered by that type of discussion.

Chair Parkins responded that if he is physically here listening to the testimony then he should have all the same information that the person that he would be sitting in for would have.

Comm. Pogoda added that he could direct a comment or question to a sitting member to some extent.

Comm. Osak stated OK, so if you're listening then you're hearing it.

Chair Parkins responded yes.

Comm. Pogoda stated that you can't speak like they used to be able to when he had been on the Board before. He added that alternates were able to do that before and the alternates were always here.

Comm. Osak responded that alternates were different back in those days.

Comm. Pogoda commented yes, that is what he is saying. Now they have...

Comm. Osak indicated that they only sat in a conflict of interest. The Charter eventually said that they can talk and discuss in absence so...

Comm. Pogoda responded that when he began on the Commission, the alternates were able to speak until they got a directive from Corporation Counsel...

Chair Parkins added until she came on the Commission.

Comm. Pogoda continued until they got the directive from Corporation Counsel stating that they can't speak. Alternates can be visible, come to meetings and sit but cannot participate in any discussion.

Chair Parkins commented that having been there as an alternate, it is difficult to sit there and not be able to participate but it is an opinion that they got from Corporation Counsel.

Comm. Dickal, a former alternate member, agreed.

Comm. McGorty agreed, yes he's done it as well.

Chair Parkins stated yes, many of them have been in that position where you can't discuss it and it is frustrating; however, that is the opinion that came down from Corporation Counsel because it really makes their Commission a commission of eight members rather than six and that is not allowed by their Charter. She indicated that she had to bring that issue up.

Chair Parkins indicated that they would move onto the Public Portion and asked if there was anyone in the audience who would like to speak about anything not on the agenda.

**Judson Crawford, 8 Jordan Avenue, Shelton addressed the Commission.** Mr. Crawford indicated that at last month's BOA Meeting, they discussed City property located at the corner of Cornell Street and Coram Avenue because they were looking for the 8-24 Referral.

Chair Parkins stated that they haven't discussed the 8-24 Referral on their agenda yet so they can't answer is question.

Comm. Harger reiterated that they didn't get to it on the agenda yet.

Mr. Crawford responded thank you.

With no further public questions or comments, Chair Parkins requested a motion to close the Public Portion of the meeting.

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

**OTHER BUSINESS**

**DISCUSSION WITH REPRESENTATIVE FROM CONSERVATION COMMISSION**

Chair Parkins indicated that Mr. Harbinson has requested to have a discussion with the P&Z.

**Thomas Harbinson, Chairman of the Shelton Conservation Commission addressed the P&Z Commission.** Mr. Harbinson indicated that the Conservation Commission thought it would be worthwhile to interact with some of the new Commissioners having just had the election. He stated that he just wanted to touch on how their role interacts with the P&Z role.

Mr. Harbinson stated that the Conservation Commission, as many of them are aware, is purely an advisory commission, so they provide commentary on applications that the P&Z receives. While the P&Z follows strict regulations for Zoning, the Conservation Commission has a little more latitude to discuss the preservation of stone walls or trees that are specimen species that maintain the aesthetic of the community that they all enjoy.

Mr. Harbinson indicated that their guidance for those comments is their Open Space Plan which is one of the planning documents which is approved by P&Z Commission to guide them. He stated that primarily the Open Space Plan identifies greenway corridors in town of which there are five and they predominantly follow watercourses such as the Housatonic River, the Far Mill River, Means Brook, etc. It is in those corridors that they give extra attention to Open Space acquisitions or for preservation of land during the subdivision process with open space set asides or conservation easements or pedestrian easements to preserve the character of those greenway corridors. Quite often they are approached by the public to say “we don’t want to see that in our backyard,” or “why can’t you buy this as open space...” Mr. Harbinson commented that rather than to follow some of those knee-jerk reactions, they have really identified these greenway corridors as being the most important areas for open space acquisition not discounting that there may be pocket locations in town for a neighborhood pocket park or that type of thing.

Mr. Harbinson indicated that they have found that acquiring open space in fee as a purchase by the City or purchase of development rights so that the property owner (primarily in an agricultural situation) can maintain the activity in a natural state or if there are conservation easements that are provided as part of a subdivision application, they work connectively to create these corridors which allows a couple of things such as wildlife migration, a greater habitat for certain wildlife, and a greater opportunity for recreational activities. The most recognizable of that is their Shelton Lakes Corridor which is in the Nells Rock Road/Intermediate School/High School campus area.

Chair Parkins commented that it was a beautiful trail.

Mr. Harbinson reiterated that it’s a beautiful trail. He indicated that the recreation path was one of the visions for that particular corridor and it has been accomplished now after several decades of activity with grant applications to accomplish it and many hours of volunteer activity. He added that it is well enjoyed by the public, citizens, business people, and visitors. The Dog Park there has really attracted a lot of attention and it has really become kind of a jewel because people recognize that some communities have these Rails to Trails programs and they are quite linear in nature and this is unique because it follows some of the old woods trails that Bridgeport Hydraulic Company used to have, on top of dams and so on. It really meanders through the woods in various habitats. It allows the school campus of the high school and intermediate school to have environmental activities for their educational programs as well.

Mr. Harbinson indicated that there are many opportunities. They actually had three weddings on their Open Space this past year, nine Eagle Scout projects on their Open Space this past year and these activities whether they be passive recreational opportunities or things like their Community Garden over on the south end of town off of Long Hill Avenue. He discussed the Klapick Property of Open Space offered a great opportunity at the end of the Long View Drive cul-de-sac to be a community garden. It has exploded in popularity to the point where they developed a second community garden area over on Soundview Avenue.

Mr. Harbinson indicated that the opportunities that are offered to the public are things that do increase the value of living in this community as a quality of life aspect but at times they also enhance the economic value. They have had at least three property owners say that they specifically bought a home in Huntington Woods or on Lane Street because it was near the Rec. Path. He added that he can't say that meant that properties near the Rec. Path or Open Space are much valued by percentage but there is certainly a clientele out there that like to have easy access those recreational opportunities.

Mr. Harbinson indicated that sometimes the Open Space or conservation easement can act as the buffer between what could be conflicting uses such as a commercial developed corridor and a residential so that they don't encroach upon one another and create the conflicts that end of being issues about noise with dumpsters being unloaded or light pollution, etc. They believe that Conservation can work in conjunction with Planning & Zoning to enhance the quality of life in their community and also the economic development of their community that helps keep their tax base grown.

Mr. Harbinson stated that he touched upon Open Space purchases and he provided some insight about how that process works for them. He explained that years ago they developed what they called a Quality of Life list of properties that they identified as important for them to develop a dialogue with property owners. They became aware that there are some large developers that are listed on the NY Stock Exchange level that actively reach out to anybody who owns property over a certain acreage. He stated that being an officer at Highland Golf Club downtown, he has seen the letters that come from Tole Brothers asking to talk about a specific property. They have relationships with farmers in town who own large acreages that have also received those kinds of letters (landwanted.net is their website). It is done throughout the country.

Mr. Harbinson indicated that they felt that if those large developers and local developers as well are reaching out to find the asset which drives their business activity (land) then they also needed to develop that kind of dialogue and activity channel. In targeting these Quality of Life parcels that is what they have done. Some of those relationships have blossomed into the fruition of preserving or saving a parcel of land and sometimes they have not. Quite often, land that the City would like to see acquired can be a complicated transaction involving grants, sometimes substantial dollars that require bonding by the City and that has to go through the BOA for negotiations with property owners and approvals; perhaps payments are stretched out over time and in some cases there is a referendum by the voters to determine that's the proper direction for the town.

Mr. Harbinson stated that they have done referendums three times over the years since he has been on the Commission in 1998. Each time they have been 98% or 80% - quite affirmative. The community has affirmed that it is the direction to take in those cases.

Mr. Harbinson concluded that he just wanted to touch base with everybody to let them know that they are here to work with the Planning & Zoning Commission in concert with economic development and community enhancement. He stated that if they ever have any questions about open space, they are an open book. He stated that the Conservation Commission has a website – they are the only City commission that has its own website. They have a Facebook page and they just went over 1000 followers last week.

Mr. Harbinson stated that they do believe that leveraging what is going on in Open Space as an opportunity for the community to enjoy does bring out new people to volunteer in those efforts and that is how they've been able to accomplish many of the amenities such as the trails.

Chair Parkins commented that they appreciated him coming in and sharing his thoughts with the Commission and thanked him for the information. She added that she was not aware that there were mega-builders out there contacting people that have more than two acres.

Mr. Harbinson responded it was primarily Tole Brothers but he's sure that other local developers do the same because it is their business. They need to have that asset to be able to drive their development.

Chair Parkins commented that they do find the sites.

Mr. Harbinson responded that they have and they will in the future. He thanked the Commission and wished everyone a Happy Holiday.

**APPROVAL OF MINUTES: 11/12/13**

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was voted (5-0) to approve the minutes of 11/12/13. Comm. Tickey abstained from voting.**

**8-24 REFERRAL: DISPOSITION OF CITY PROPERTY LOCATED AT CORNER OF CORNELL STREET AND CORAM AVENUE**

Mr. Schultz provide a site map of the location and indicated that he received an 8-24 Referral from the Mayor's Office requesting abandonment of the parcel owned by the City at the corner Cornell Street and Coram Avenue. He read the Mayor's request and the report from the City Engineer.

**\*See attached correspondence to Richard Schultz, P&Z Administrator from Mayor Mark Lauretti dated November 13, 2013.**

**\*See attached correspondence to Richard Schultz, P&Z Administrator from the City Engineer, Robert Kulacz.**

Mr. Schultz provided history regarding the parcel and indicated that the teachers from the old Ferry School used to use it years ago and now it is just a neighborhood parking lot for special events on Canal Street.

Chair Parkins commented that she always thought it was a private lot.

Comm. Harger asked why the City wanted to abandon it.

Chair Parkins responded because the City has no use for it so they might as well put it back on the tax roll.

Comm. Harger commented that she thought there was always a concern of parking especially when there are downtown events.

Mr. Schultz stated that he knows the DSC discussed it with the Monaco proposal.

Chair Parkins stated that the problem with it is that if everyone thinks it's a privately owned parking lot and all of the residents are already parked in there then it gives no benefit to the City.

Comm. Harger responded yes, she knows that.

Chair Parkins indicated that it is like the City is providing free parking to ...they might as well put it on the tax roll.

Mr. Schultz stated that they just need to determine if there are any planning considerations.

Chair Parkins added that it is also a liability to the City.

Comm. Harger asked Rick Schultz if he knew of any plans for it.

Mr. Schultz responded no, Staff is not aware of any plans.

Comm. Harger asked if there were any potential purchasers on the horizon.

Mr. Schultz responded that he wasn't aware of anything. He added that the Commission's role is the planning considerations.

Chair Parkins asked if it would be put up for sale but he is not aware of anyone right now.

Mr. Schultz responded right. The City has the ordinance for disposition of City owned property. It goes through a public hearing process. They need to ask themselves if it is worthy of retaining for planning considerations or to report favorably on the disposition as recommended by the City Engineer.

Chair Parkins responded that she didn't see any reason to retain it. She added that she would be favorable.

Comm. McGorty agreed.

Comm. Harger stated that she would disagree because of the fact that they are always told that parking is at a premium. She asked if there was something that the City could do to at least approach a property owner to do something to regulate it so that not just anyone could park there.

Chair Parkins stated that they would have to gate it off and then it would just be a locked up lot that is never used.

Comm. Harger commented no, it is something where they could put up signs like "Tenant Parking" and work out a lease agreement maybe with a property owner. She added that she would rather see that.

Mr. Schultz stated that the parcel was big enough to allow a single family dwelling to go on it if variances are obtained through the ZBA.

Chair Parkins indicated that the City is liable for anyone who parks in there and so they have to use Staff to clean it and remove snow.

Comm. McGorty added that because of the location it is not really conducive to any of the businesses. It is just people who are living there so it is like they get their own parking lot cleaned and plowed by the town.

Comm. Harger responded that is what she was saying – some type of leasing...the person it is leased to would have to maintain it.

Comm. McGorty stated that then the City has the liability too.

Comm. Pogoda commented that he doesn't think that they want to go through that discussion. It is (inaudible)...

Comm. McGorty stated that it can't accommodate too many cars in there anyway.

Mr. Schultz responded that it could accommodate about half a dozen.

Comm. Harger indicated that she would just hate to see another little matchbox sized house get shoved in there.

Chair Parkins commented that she didn't think it was big enough to put a house.

Mr. Schultz responded yes, it is if they get variances – if variances are obtained. It is a corner lot so it has restrictive setbacks.

Chair Parkins stated that would be up to ZBA. She added that she doesn't see any reason for the City to hold onto it. They should get it back on the tax rolls. People are using it as a private parking lot.

Mr. Schultz asked if the motion would be to report favorably on the disposition of the property.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was voted (5-1) to report favorably on the 8-24 Referral for the disposition of City property located at the corner of Cornell Street and Coram Avenue. Comm. Harger voted in opposition.**

**PAYMENT OF BILLS**

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

**2014 MEETING SCHEDULE**

Mr. Schultz brought the November 12<sup>th</sup> 2014 date to their attention because it is a Wednesday. Tuesday, November 11<sup>th</sup> 2014 is Veteran's Day and City Hall is closed. He asked if a Wednesday regular meeting would be problematic to anyone.

None of the Commissioners anticipated that it would be.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the proposed 2014 Planning & Zoning Meeting Schedule.**

**STAFF MEETING**

**\*See attached P&Z Staff Report dated December 18, 2013.**

Mr. Schultz discussed the withdrawn ZBA application regarding the number of chickens (no roosters) allowed per acre. He indicated that the poultry issue would be re-examined by the Zoning Subcommittee as well the Medical Marijuana regulations. He added that the State of Connecticut is going to be issuing permits after the first of the year.

Additionally he discussed the Conn. Siting Council, Downtown Subcommittee (draft resident survey), Zoning Enforcement issues, and Sign Enforcement.

**ADJOURNMENT**

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to adjourn the meeting at 8:38 p.m.**

Respectfully Submitted,

Karin C. Tuke, P&Z Recording Secretary