

SHELTON PLANNING & ZONING COMMISSION

January 22, 2014

The Shelton Planning and Zoning Commission held a Special Meeting on Wednesday, January 22, 2014, Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484. The Chairperson reserved the right to take items out of sequence.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Nancy Dickal
 Comm. Virginia Harger
 Comm. Thomas McGorty
 Commissioner Ned Miller (alternate)
 Commissioner Frank Osak (alternate)
 Commissioner Anthony Pogoda (via Skype)
 Commissioner Jim Tickey

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

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

CALL TO ORDER/PLEDGE OF ALLEGIANCE & ROLL CALL

Chair Parkins called the special meeting of the P&Z Commission to order at 7:00 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that Comm. Tony Pogoda and P&Z Consultant, Tony Panico would be joining this meeting via Skype. She reviewed the procedures for a public hearing, informed audience members when they would have an opportunity to speak and requested that no cell phones would be used during the meeting.

Chair Parkins indicated that there would be two public hearings tonight for Application #13-18 and Application #13-17. She stated that everyone will be given an opportunity to speak. If the public hearing is held open it will reconvene on February 11, 2014.

APPLICATION #13-18: BISHOP MANAGEMENT OF SHELTON LLC FOR MODIFICATION TO BOUNDARY OF PDD #73 AND DETAILED DEVELOPMENT PLANS (GRADING PLAN), 781-785 RIVER ROAD (MAP 12, LOTS 11, 29, AND 43).

Chair Parkins opened the public hearing for Application #13-18 and asked the P&Z Secretary to read the Call of the Hearing.

P&Z Secretary, Comm. Harger read the Call of the Hearing and one piece of correspondence from the City Engineer regarding the revised drawings.

***See attached correspondence dated January 17, 2014 addressed to Richard Schultz, P&Z Administrator from City Engineer, Robert Kulacz, P.E.**

James R. Swift, P.E. and Licensed Landscape Architect addressed the Commission. Mr. Swift submitted the Certificates of Mailing for the record. Mr. Swift indicated that they have a site that was previously approved as a Planned Development District (PDD) with its original limits in early 2012. The original limits of this PDD from 2012 are indicated by the brown lines shown going around these two pieces of property on the site drawing. It was the original limit for various reasons. There was ownership of land that went up towards the Wintergreen Street and also there was land that was owned by an owner on Wintergreen Street - a strip of land that went down to River Road.

Mr. Swift indicated that what they did – and it made sense at the time for whatever reason - when those original subdivisions took place. They approached that owner and asked him to do an equal land swap – trading the land shown in brown on the site plan adjacent to his property for land shown in blue on the site plan which was adjacent to the Applicant's property. The owner was agreeable, obviously, it was a good idea and that is what they did.

Mr. Swift stated that the Application before the Commission now, even though there are no changes to the building and pavement layouts, is to rectify the actual limit of that PDD so that it now follows the property that they actually own.

For the record, Mr. Swift, stated that they were equal land transfers so the PDD that they are asking the Commission to consider tonight, is not larger than the previous PDD; it is exactly the same size.

Mr. Swift presented a site drawing of the PDD with the layout that they are proposing. There will be a central commercial building with parking around it and some drive-through areas to the side, excavation lines that go around the outside of it. He reiterated the building size, the building architecture, building design, and parking layout is exactly the same as it was in the originally approved PDD. He Pointed out the pavement line and indicated that it did not extend into that land obtained in the land swap. He stated that the pavement and the building all stay on the same parcel with the same parcel limits as the original 2012 PDD application.

Mr. Swift stated that the one change that they did make when they proposed this is – now that they have a little bit more width – they propose taking this thing as a unit, again with no design changes, and moving it as a unit 10 feet north. He showed the direction it would move on the site drawing. He added that they are keeping it on the original PDD parcel but moving it 10 feet which is clearly a little bit closer to that property line on the north; otherwise, it is an identical configuration.

Mr. Swift indicated that what does not stay the same is the rock excavation that surrounds that area. There were a couple of things that went on there. The first one that he'll discuss is the actual limit of the rock cut. These limits of rock face that they see delineated on these plans and all the plans they have on record are accurate as to what is constructed in the field.

Mr. Swift stated that they were not proposed, they are accurate to today and they can see that the rock cut that graded area does extend into that strip that they obtained in the land swap. Mr. Swift stated that for the revision of the PDD to get that grading (inaudible) and that would be the original effect. He commented that it was probably also worth mentioning because the Commission is aware of it and made administrative judgments on this for stabilization but there was a requirement to build some actual structural walls in the rear of the site because the rock depth was not what they suspected that it was back in the early days of the development. He reiterated that those were administrative approvals before and they are reflected on these drawings now.

Mr. Swift commented that the impact and some of the discussions that have been going on are with the homeowner to the north of this site. Those discussions are ongoing and they're working with him because the grading does get closer to his property and they will continue to work those issues out. He stated that they have plans for landscaping buffers and that sort of thing.

To digress a little bit, no matter where that rock cut was or that grading was, it was a significant height – he believes it was in the neighborhood of 30 – 35 feet or so. The Commission was concerned at the time that a larger than average fence should be installed – at least 8 feet. They have done that. There was also some earlier discussion that a standard chain link fence might not be enough because it would be climbable due to the size of the openings in the chain link fence which are a little bit bigger. He indicated that what they have there is a chain link that is more like a fence typically found around pools where the chain link openings are smaller at around 2” and that was originally installed.

Mr. Swift stated that was the gist of the application and he offered to take any questions.

Comm. McGorty asked what the reasoning was for the shift in the location of the building.

Mr. Swift responded that the shift in the building was just to give a little bit more room. The original rock that they were hoping to find down there (he pointed out the location) – from the evidence that they saw at the street - it was a little more solid rock but as it turns out it is a little looser. So the reason for the shift up was just to pick up a few more feet. Mr. Swift added that it was not a deal breaker on the issue of what they are doing there but to have a few more feet helps. He reiterated that the limit that they moved it was 10 feet.

Chair Parkins asked if there were trees or a kind of vegetative buffer put up on the other side of the fence.

Mr. Swift asked for clarification as to which side of the fence (he pointed to a side of the fence on the plan).

Chair Parkins responded yes.

Mr. Swift responded yes, right now this landscape plan that they are proposing has a double row of arborvitae. There has been some landscaping - the fence is in and landscaping has been put in now but they owe a little bit more landscaping up there that should go in and it will be done. He reiterated that they are still in the discussions and they are willing and able to put a lot more landscaping up there, if desired.

Chair Parkins asked if there were any other questions from the Commission. With no further questions or comments from the Commissioners, she opened up the public hearing to the public audience. She asked if there was anyone wishing to speak regarding this application.

Atty. Dominick Thomas, representing John Wardowski (neighbor to the north of proposed site), Cohen & Thomas, 315 Main Street, Derby CT addressed the Commission. Atty.

Thomas indicated that it was correct that there were some negotiations going on and a response to one of their suggestions was delivered tonight though he hasn't had an opportunity to discuss it with his client yet.

Atty. Thomas stated that his client recognizes that the PDD was approved but they aren't talking about the original PDD; they are talking about an expansion. His client's position is that the Developer took action that potentially moved the edge of the cliff closer to his property. They've been in conversations with the blasters and the blasters insist to them in communications back and forth to date that they blasted exactly where they were told to blast.

Atty. Thomas indicated that he and his client have made several efforts to try and resolve it and they hope those will be ongoing. It is not his client's intention to litigate matters or do things of that nature. Atty. Thomas stated that his client realizes what has transpired but he also wishes the Commission, and the Commission has, expressed its recognition of what he has gone through.

Atty. Thomas stated that 25 feet or so may not seem a lot – but the original plans called for that cliff down to the development to be farther out. The blasting was done much closer to his client's property. It has an impact upon the value of his property. The issues concerning the type of fence – they've had some proposals on that and on the landscaping; they think these issues can be discussed. Atty. Thomas commented that he wasn't going to pull any punches – the fact that part of the discussion here is financial concerning the impact on property values which coincidentally, besides being a concern of his client, is a concern of this Commission whenever it is acting. He added that whenever it is a zone change or anything else – the Commission is always looking at the impact on property values.

Atty. Thomas stated that he does believe – and his client has talked about this – they want to insure, if they are able to work it out. If the position is that they can't work out, the basic position of this client is to just go back to the original PDD and let the land be filled back in. However, in an attempt to work with the Developer so that this can be resolved, in addition to the impact on his client's property, the additional impact by moving it closer, there can be discussions on the landscaping. They believe that landscaping should create as opaque a buffer as possible along with – and their concern was the possibility of putting in a very safe but opaque

fence. Another concern his client has is that as the blasting got closer and as the excavation got closer, whether or not it has had an impact on existing trees that are already on the property. He reiterated that this is something that can be discussed. Atty. Thomas indicated that the response was delivered to them tonight so they aren't going to stop the discussion and he knows that the Commission isn't going to make a decision tonight but they believe that as one the key elements in making a decision of this kind, they have to look at the impact that has occurred by the actions of the Developer and the impact that will occur by expanding the PDD.

Atty. Thomas stated that response to actions of the Developer – he reiterated that he hopes they can work this out – but he is asking this Commission because he's assuming that they are going to close the public hearing. If they do, he can work with Staff and Staff can report back to the Commission on what has transpired between now and the next meeting which is February 11th.

Atty. Thomas reiterated that those were the concerns of his client. Clearly their position is that while the impact of what was approved was not something he liked, this impact is even greater by moving it substantially closer. He stated that the Commission needs to address that and with that there are a lot of other concerns upon his property.

Chair Parkins asked if he was aware of any information that may be pertinent to the Commission making their decision to not close the public hearing because it was her intention to close the public hearing tonight. If he feels that there is information forthcoming, that the Commission...

Atty. Thomas responded that there was nothing to prevent them from keeping the public hearing open and still making a decision after the public hearing closes on the 11th if it was kept open. He added that he thinks it is important for them to incorporate, if they can reach a resolution, to incorporate those conditions into their approval. It might be better if it was an exchange because they wouldn't be able to discuss those conditions so it might be (inaudible)... On the other hand, his client is not in the position to try to delay the Developer but they want to resolve the issues that have impacted his client.

Chair Parkins responded that they also want to resolve those issues because this has been going on for quite some time and they certainly want to find a resolution. She added that her concern is that, naturally it was indicated that he wasn't going to litigate, but any kind of civil type of action is not the purview of this Commission so they have to keep that separate.

Atty. Thomas commented that (inaudible)...

Chair Parkins stated that whatever issue may end up in court, it is not for them to even debate.

Atty. Thomas stated that was a totally separate issue and it is not their intention for that. He stated that his client isn't happy at all that this is moving closer. They've had lengthy discussions with the blaster and the blaster, while not satisfactorily, have at least communicated with them. There are things that his client has had to argue with the blaster and things that were discovered long after the blaster's inspector came out including the fact that there is crack in the top of the septic system and things like that. They've had to go back and forth and discuss this with the blaster. The blaster's position is that they blasted exactly where they did – there wasn't any “we didn't blast too much” or anything like that. They've had a give and take with them over that.

Atty. Thomas indicated that the issue with respect to his client is an issue with respect to the impact of this additional request to increase the size of the PDD and the impact upon his property values so it is a proper consideration for the Commission. He added that on the other hand, for the record, they have been in negotiations. Negotiations have taken several twists and turns and 360°'s and 180°'s etc. They received a response tonight. He wanted the Commission to understand that there is communication ongoing and they hope they can resolve it over the next couple of weeks.

Chair Parkins asked Atty. Thomas if he was fairly confident that can resolve it over the next couple of weeks before the next meeting.

Atty. Thomas responded that he really didn't know...

Chair Parkins indicated that she would ask him and the Applicant as well; otherwise, there is no sense in keeping the public hearing open.

Atty. Thomas responded that he thinks that they can make substantial steps toward it. From his position it is certainly not a situation where they aren't going to be able to do it. The structural issues he thinks can be discussed.

Chair Parkins asked if his concern was to just get whatever negotiations are made on the record and have it as a condition of the approval. She asked if that was his request.

Atty. Thomas responded these structural issues – he doesn't think it is appropriate for the financial issues to be any condition of approval and that is something that has to be worked out between the parties.

Chair Parkins commented correct and it won't be.

Atty. Thomas stated that he thinks that there are structural issues such as the fence, type of fence, safety issues with respect to the fence, type of landscaping, issues relating to the area farther away than this house getting down to River Road – these are issues that can be discussed and those are more related to their zoning.

Chair Parkins commented OK and asked if he would like those included as conditions in this.

Atty. Thomas responded yes.

Chair Parkins asked if there was anyone else in the audience wishing to speak for or against this application.

Joan Flannery, 8 Partridge Lane, Shelton addressed the Commission. Ms. Flannery indicated that she was a previous member of the Commission voting against this project from the beginning. She stated that all she continues to see are a lot of problems. She agreed with Atty. Thomas when he said tonight that if they can't resolve these problems – then let's just fill in the land and put the trees back, end of story – which is something she originally said at prior meetings.

Ms. Flannery stated that this whole PDD is a disaster. It keeps come back for changes. It is not only the property to the north that she is concerned about but also the property on the west boundary, that house is also very close to the edge. She indicated that she was concerned about safety and the fence that is going to be put up and about how it will be maintained 20 years from now. It is a big safety hazard for animals, human beings, and children playing.

Ms. Flannery referenced minutes from past meetings regarding the blasting for this project and recalled that the blaster stated that he was a little "frisky" even though he is now denying it. She repeated that at one of the meetings she attended, he admitted that he was being frisky and he over-blasted. Ms. Flannery stated that she doesn't want this building being moved 10 feet closer to the house at the north – that is wrong. If they can't resolve this with a good fence that is good to last 100 years, not just 20 years down the road but a long time and maintained with a lot of shrubs to keep children and animals from falling down the cliff – then the land should just be filled back in. She thanked the Commission.

Joe Nechasek, 25 Waterford Lane, Shelton addressed the Commission. Mr. Nechasek commented about the project which he sees every day. He has been trying to find something of this magnitude that has this level of desecration that is essentially a rape of the land. He stated that he knows that it is there, it does exist and it was approved. He indicated that he had a couple of future-oriented comments.

Mr. Nechasek stated that the commercial ventures are up to the Developer obviously. There are some further complications that are simply aesthetic. The companion project is at Far Mill River in Shelton as they know and subsequently, what happens is these relatively clean walls, over time become heavily stained. It is one of the attributes of what is going on.

Mr. Nechasek indicated that he didn't completely understand the technical details of what is on the agenda in terms of whether there are changes in the boundaries. His grave concern is that living in this area as he does, that area specifically, he's hoping that the Commission would be particular sensitive to what only remains as a half mile vista of the Housatonic. It runs from past Murphy's Lane up to Constitution Blvd. - but as far as he knows it is the only truly unobstructed view of the River which is tremendously attractive and there may be some regulations of some aspects or maybe there is simply no land there. He hopes that in the future years they don't have any similar attack. He thanked the Commission.

Chair Parkins asked if there was anyone else wishing to speak in regard to this proposal. There were no other comments. She asked the Applicant if he wanted to address any of these comments.

Jim Swift, P.E. & Licensed Landscape Architect addressed the Commission for the Applicant. Mr. Swift commented that clearly this is about trying to figure out a way to make the ad joiner and themselves reach an agreement as to what is going on here. He stated that there are certain things that are within the power of the Commission he believes that are reasonable to do. Mr. Swift stated that they are working with the ad joiner on a lot of different things. He proposed that the things that the Commission has under its purview and can do in a reasonable way, is what can physically be done right now between what is going on their parcel and the adjoining property.

Mr. Swift stated for the record, that the disturbance that took place did not happen on the ad joiner's property. It happened on somebody else's property - they don't know what could have ever occurred there because he would have been free to clear the trees, but he understands that isn't likely because there wasn't that many trees there in the first place. He said that, basically, they did not trespass and they didn't go onto that property but they did get closer than the original PDD.

Mr. Swift stated that it is within the Commission's purview and ability to mitigate that or to use their authority to say what they can do to help make their life better in that way and one thing that was talked about was an opaque fence, landscaping and that sort of thing. Mr. Swift stated that they are here to say that one of the things that can be done is the 10 foot opaque fence. Right now it is a chain link fence, in a manner that at the time was more conservatively inclined but now they are more into the aesthetics.

Mr. Swift commented that if the Commission was to find in its wisdom that they wanted to require that they do a 10 foot opaque fence, it was in the Commission's purview to require that and they would agree to that as a condition of approval. If the Commission says that they've seen the landscape and understand the opaque fence, but they want them to double the evergreen plantings that are there to further soften the opaque fence - he stated that these are things that are within the Commission's purview and authority to do that would make a difference to the ad joiner and would be binding on them. He reiterated that if the Commission wants them to do those kinds of things, they don't object. He stated that to keep the hearing open for other things that are going to come up in the negotiations besides those physical things, he doesn't understand what could be presented to the Commission to have them say that they're happy. Mr. Swift stated that he understands that the Commission wants to be satisfied that the ad joiner has been treated fairly.

Mr. Swift commented that he thinks that what they have been talking about for the last 6 months is as much as they can do in there. Having said those things, their position is that they would like to see the public hearing closed. It is ongoing and certainly the ad joiner has rights beyond just being in objection of the approval of the project; he has additional legal rights. He concluded that those are the physical things that he thinks the Commission might be interested in and that they are here to agree to. He reiterated that he'd like to request that the Commission close the public hearing tonight.

Chair Parkins stated that one of the reasons that she would side with resident is that he has been fair and extremely reasonable. She added that she doesn't think she has ever met a more reasonable person in her life.

Mr. Swift agreed.

Chair Parkins stated that she doesn't want the Commission to dictate what should be done if it is not something that is going to please this resident. She indicated that they can dictate that there should be an opaque fence that is 8 feet tall but if that is not what the resident wants then the Commission doesn't want him to have to go into further discussions to undo what they did and that sort of thing. She commented that she just thinks this is a cleaner way because they aren't going to make a decision tonight anyway. They had intended to just close the public hearing and have a discussion at their next meeting. She stated that she didn't see any drawback to keeping the public hearing open to make sure that everything is tidied up when they make their request as to what they'd like to have the Applicant do.

Comm. McGorty commented that if his memory serves him correctly, he thinks that is what the homeowner, at the time, was in favor of – fencing and some sort of white pines or screening to go in front of the fencing. He thinks he was happy about that so he's surprised – he knows that they have their own stuff that they are trying to address but he thought they were all in agreement at that time...

Chair Parkins asked if they know what kind of fence they want though. She asked whether they wanted an opaque fence or...

Comm. McGorty responded that originally it was agreed upon to have a tight mesh that shoe tips couldn't get into. They talked about opaque, solid fencing and he thinks he was very much in favor of the tight mesh. He added that if it was his own house, he would have something solid where he wouldn't see that but he thinks the resident was content with that type of fencing and happy with it as well as the screening in front of it. He added that it would be mature trees and not little saplings but something to provide cover but not something that could be climbed on to get over the fence. Comm. McGorty reiterated that he thought that was agreed upon and he thinks the resident was in favor of that fence so he doesn't see the Point in belaboring it and holding the hearing open because at the time, if they look at the minutes, he was in favor of those presentations.

Comm. Dickal agreed with Chair Parkins that she would feel more comfortable hearing from the resident as to how he sees this progressing. She added that her other concern was the long term maintenance of this because after a long period of time there is erosion and the possibility of trees dying, weather issues, fence deterioration, etc. It is a considerable drop and she would never want anyone to ever fall and that would be a big concern for her.

Chair Parkins asked if the fencing and landscaping was supposed to be on the resident's property or the applicant's property.

Mr. Swift responded that he believes it is supposed to be on their (the Applicant's) property but again they are not adverse to an open discussion if it satisfies the ad joiner. He indicated that he thinks that the fence should be on their property so that it is clearly their responsibility.

Chair Parkins agreed.

Mr. Swift stated that if the neighbor says that he wants a third row of another evergreen on his property line – this is the kind of thing that he feels is certainly of interest to the Commission but is part of the discussion between them and the ad joiner to reach an agreement so that the ad joiner, who has legal rights beyond whatever this Commission does.

Mr. Swift stated that they have been down this road, and to give a little history, there was talk of actually purchasing land. As the Commission knows, they made an Application, about 6 or 7 months ago, where they continued to try to work toward an agreement. Mr. Swift stated that he thinks that is one of their fears and why they are so interested in having the hearing closed tonight so that they don't get caught up in that again – where they are like “OK, well, now there's another tree, another fence...” Mr. Swift stated that it seems to him that the Commission can do these things about the opaque fence and say “OK now we are done...” He added that they have done what they can do and have gone as far as they can go and now it is up to them to

make peace and agreement with their neighbor. He stated that it is that open-ended issue... (inaudible) and that is not the answer.

Chair Parkins responded that quite honestly, she was hoping that some sort of resolution was going to be reached before they got here.

Mr. Swift stated that they thought so.

Comm. McGorty stated that goes back to his Point that they are belaboring this thing. He added that whatever happens beyond where the fence should be, where it was agreed upon, whether it be shrubs or trees – they don't care about that. It is an unfortunate situation that has occurred that you guys have created this situation, OK, so the way to remedy it and the way that everybody agreed upon was that there would be a fence, screening and that is not done. Comm. McGorty commented that he doesn't care about the talking behind this and what negotiations are happening, it needs to be closed and they need to move on and whatever they decide to do beyond that fence and shrubs is their business.

Mr. Swift agreed and said if the Commission would just say OK that they want the 10 foot opaque fence, double the evergreens and ...

Chair Parkins restated that she just does not want the neighbor to have to litigate this and that is her concern because it puts the burden on him.

Comm. Dickal agreed.

Comm. McGorty asked what they are litigating. They already agreed upon it. He was happy to hear that there would be fencing.

Chair Parkins asked what they are putting up. She asked if they already put up a fence.

Mr. Swift responded yes, a chain link and now they are offering a 10 foot opaque solid fence that you cannot see through.

Comm. McGorty asked whose recommendation was it that was done.

Mr. Swift responded that it was part of the discussion.

Comm. McGorty asked if it was between them and the homeowner.

Mr. Swift responded between them and the homeowner. He commented that he won't speak for the homeowner to say that is all he wanted but it was something that they discussed and saw as desirable and more to the Point, it was something that was in the purview of this Commission to say. It was a physical improvement that can be done as part of a PDD. They'll have them put up the fence and (inaudible)...

Comm. McGorty commented that it is in their purview but he would like the homeowner to be happy with it so he won't be further inconvenienced. At the time it was agreed upon and he was happy about a tight mesh fence like the type seen around a pool that little kids couldn't put their shoe tips into and climb over. He was also happy about the mention of trees in front of it to screen it. Comm. McGorty stated that was the last he knew about it and he thought that was going to move forward and it should.

Howard Soffan, Bishop Development LLC addressed the Commission. Mr. Soffan stated that in the spirit of moving this forward, he asked them to keep this open and let them negotiate with the neighbor and get this resolved. He thinks that as this relates to the neighbors as well as them, they all want to resolve this. He added that they want them to see it resolved for the Commission, for themselves and they've had discussions with Atty. Thomas and he thinks they can come to them in the course of the next two or three weeks with a resolution.

Comm. McGorty stated that sounds correct. He thought that would have happened. He thought that they agreed upon what was going to occur up there and it is back and it is going to stay open.

If they can resolve the issue and decide upon what type of fencing and what type of screening goes in front of it, then whatever they decide to down the road beyond that is not in their purview. It's their own matter.

Chair Parkins requested a motion to keep the public hearing open until February 11th.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to keep the public hearing open for Application #13-18 until February 11, 2014.

Five minute recess between public hearings 7:52 p.m. – 7:59 p.m.

Chair Parkins reconvened the meeting for the second public hearing, reviewed the public hearing procedures and indicated that they would adjourn no later than 10 p.m. She stated that the public hearing would be continued on Feb. 11th for anyone who has not had an opportunity to speak this evening. She asked the P&Z Secretary to read the Call of the Hearing for Application #13-7.

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 UNIT), LONG HILL CROSS ROAD AND BEARD SAWMILL ROAD (MAP 39, LOT 14 AND 17 AND MAP 51, LOT 7) LIP DISTRICT.

P&Z Secretary, Comm. Harger read the Call of the Hearing and four pieces of related correspondence.

***See attached correspondence dated January 22, 2014 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal.**

***See attached memorandum dated January 21, 2014 to Richard Schultz, P&Z Administrator from Chief Joel Hurliman, Shelton Police Department.**

***See attached correspondence dated January 17, 2014 to Richard Schultz, P&Z Administrator from Thomas Harbinson, Chairman of the Shelton Conservation Commission.**

***See attached correspondence dated January 17, 2014 to Richard Schultz, P&Z Administrator from City Engineer, Robert Kulacz, P.E.**

Steven Bellis, Pelligrino Law Firm, 475 Whitney Avenue, New Haven, CT representing Hawks Ridge of Shelton LLC addressed the Commission. Atty. Bellis submitted a copy of the memorandum of the public hearing, receipts from certified mailings and photos of the posting of the public hearing. Additionally, he provided a copy of a legal contract, with some redacted price figures, indicating that Hawks Ridge has entered into a contract with the owners of the property, which he will call the Wells Family for now. They have permission, obviously, to file this application.

Atty. Bellis indicated that they were here requesting a PDD for a 41 acre site and they are only here tonight for the Initial Concept Approval. This application is for 54 single family development, 57 condominiums and an assisted living facility. They may recall that not very long ago that they had a similar application which was withdrawn. He calls this application a new and improved plan based upon the comments made at the P&Z Meeting and from Commissioner comments. It was based upon meeting with neighbors, input from the BOA, and work sessions with the P&Z Staff.

Atty. Bellis stated that they will see that in this plan there is a lower density in the number of units from the single family condominiums. The street layout is radically different than it was in the prior application with more curves, cul-de-sacs and they eliminated things that he recalls as being called cookie cutter subdivision. They will see that these lots don't back up to one another on the single family homes. They are surrounded by open space and he thinks the overall theme

of the whole project is that everything was designed so that they would have residential use that would attract people who don't have children – people that would put a burden on the town's education system, police department, etc. Everything was done with the idea that it is not going to be very many children in these complexes. He added that it would be people similar to himself and his friends where the children have gone to college and moved out of the house but who still want to stay in Shelton but don't need a 3,000 square foot house on a single acre anymore. So, there's that component.

Atty. Bellis commented that in the condominium component there are young professionals that are working in lower Fairfield County but can't afford to live in Stamford, Westport or Greenwich. They would like to stay in Fairfield County so they are going to start in a condominium and they don't have children by and large and would work in this area or around Fairfield County.

Atty. Bellis indicated that the third component is the Assisted Living and needless to say there is a real need now with their population getting older. Older people need to have a place to go to be close to their relatives in the area. He added that without stating, they aren't going to have children and most will not drive.

Atty. Bellis commented that all three of these components generate taxes for the town of Shelton and all three of these components attract desirable people that they would want to have live here. Atty. Bellis indicated that was the overall concept of this plan and he is going to introduce other speakers so that they can illicit a little bit more testimony to each of these components but that is the theme of this 41 acre parcel.

Atty. Bellis stated that if they look at this particular Application, the Plan, the Statement of Uses is consistent with their regulations, 34.5 through 34.9. He indicated that he would take the Commission through some of them now and other speakers will talk on it but at the end of the day they will be able to say that each and every one of the regulations that you have find that you will be satisfied by this application.

Atty. Bellis briefly went through the factors and one of them asks if the application “possesses features consistent with a PDD.” He stated that he thinks this one does. It is a unique piece and most of the pieces along Route 8 – he emphasized that it is not on Bridgeport Avenue. It is tucked away behind Bridgeport Avenue but it is really on Long Hill Cross Road and Sawmill Beard Road, but of course, Route 8 will border it. This is not the typical Bridgeport Avenue corridor where they are going to have nice office buildings or store fronts or access to Bridgeport Avenue. People that are going to buy those properties want to have frontage on Bridgeport Avenue. This application does not have that. It possesses features that would allow for open spaces and allow for smaller lots and most importantly, it allows for the contour of the land. The way it has been laid out it allows for buildings to be built that go with the contour of the land without destroying it, cutting down, or blasting significant amounts of the land.

Atty. Bellis stated that where the Assisted Living is, you have a forced main storm sewer system, a pipeline so that wouldn't be advantageous to be blowing up around that area.

Chair Parkins added that was a bad choice of words.

Atty. Bellis responded that the Chair agrees with him so the idea is to leave the topography mostly the way it is and to put a building in there that conforms to the land and that is what they have done. Someone suggested that perhaps the single family homes should go on that side but realistically that is not an alternative because there would be too many cuts in the land.

Atty. Bellis commented that another factor that they have to determine is “would this PDD – could these features be put into another zoning district.” He stated that they couldn't mix Assisted Living, condominiums and single family in one of their other zones so the answer to that is obviously no.

He added that the big thing is if the PDD is consistent with their long range Plan of Conservation & Development (POCD) and he'll have a speaker address that. He Pointed out that it is consistent with portions of the POCD. One of the big things in the long range Plan of

Conservation & Development is that they should do projects that reduce the tax burden on residents – that is right in the Plan. After they hear the evidence today, they will see that it does that. It says right in the Plan – “we should provide alternative housing to the one acre single families...” and this is a perfect alternative. You could have your own lot, have a condo or live in an Assisted Living Facility. They are all alternatives to the one acre single family home.

Atty. Bellis indicated that in their POCD it states they should plan for active adults because they anticipate an aging population. Right in the study itself in the long range plan of development it says “in 2020 they expect that 37% of Shelton will be 55 years and older.” He added that they are getting older in this town – not just him – the rest of us too. Atty. Bellis stated that is what this is all about – it is about accommodating people that are getting older (older than 55 yrs), and having a nice place for them to live in the town that they’ve lived in for most of their lives.

Atty. Bellis stated that most of the other factors are more mundane but he thinks that they meet them all – “do the streets and intersections adequately accommodate the traffic?” He indicated that he would have a Traffic Engineer speak to that issue. He thinks that the answer though is clearly yes. They will make any improvements as the Police Chief suggested in his report. He’ll let the Traffic Engineer address that.

Atty. Bellis asked “if the existing utility services are adequate and don’t overburden capacity.” He stated that the City is already addressing Center Street sewer lines to approve the flow and at each one of these units they will have to contribute \$2,100 to the City and he’s suggested that those monies are sorely needed by the WPCA for improvements that they’ve already agreed to do.

Atty. Bellis indicated that they have WPCA approvals and he clarified that these approvals are for the top portion, which is the single-family and the condos as well as the Assisted Living. He stated that he would summarize it so that it is painfully clear. He stated that he had a letter from Tom Sym, the Administrator who discusses their meeting and claims that “the waste water treatment plan facility has sufficient capacity to accommodate the proposed sanitary sewer discharge flows from the proposed project.”

Atty. Bellis commented that when they returned for the Assisted Living portion of the project, it was again brought up and everything was disclosed and a motion was made to accept the Conceptual Plans in Phase 2 which is also the Assisted Living and in combination with Phase 1, which they already addressed and they voted 6 in favor with 1 abstention. He added that they meet the WPCA concerns of capacity.

Atty. Bellis submitted the WPCA letter and other documentation for the record.

Atty. Bellis addressed any potential impact regarding the environment he submits can be maintained within acceptable limits. He indicated that they went to the Wetlands Commission and again showed them the entire project as they revised it including the Assisted Living. He stated that he had two letters from the Wetland Commission; both letters approving the concept with some recommendations. He added that there were extensive discussions regarding the layout of the homes to mitigate any wetlands concerns. He commented that this has been done and it is now a part of the Application. He submitted two Wetlands approvals and noted that they took their concerns into the proposal before this Commission now.

Atty. Bellis restated that there are minimal cuts in this project because of the way it lays out. He indicated that obviously, it slopes upward and they are going to be able to place these buildings on top of the land as opposed to falling down a mountain and then having a flat project. He added that Alan Shepard, P.E. will be speaking about using Best Practices for storm management and he’s submitted a drainage report.

As far as the site “providing for the safety of the intended users” which is what the regulations require, he stated that the Applicant will comply with the requirements from the Fire Marshal’s letter and, again their Traffic Engineer will discuss any concerns that the Police Department has as far as the intersections. He added that he won’t be addressing that issue but the answer is yes, it does provide for the safety of the users. There are multiple access points, not just one way in, and that will be explained.

Atty. Bellis asked “if the proposal has an adverse impact on surrounding property values” and this is something that the Commission has to consider. He indicated that Chris Kerin, a real estate appraiser, will be speaking tonight to inform them that it is not adversely affect the real estate values of surrounding properties. Additionally, Mr. Kerin will also tell them that it does positively impact the City’s financial bottom line as far as taxes.

Atty. Bellis asked “if the proposal complies with the provisions of their Zoning Regulations.” He indicated that he and Rick Schultz have worked on the Statement of Uses and they do comply with all of the Zoning Regulations unless indicated in the Statement of Uses where it does not comply (i.e. with setbacks and those sorts of standards).

Lastly, in regard to the ongoing maintenance of the streets and infrastructure and how it will be done and paid for, Atty. Bellis indicated that there would be no impact on the City. These are private roads and a private detention pond. There will be an Association for the home owners to maintain and repair, a Condominium Association to provide for garbage and snow removal – there is no impact to the City. He indicated that they have a plan that will address the maintenance of the streets and the infrastructures without cost to the City of Shelton.

Atty. Bellis concluded his portion of the presentation for now and he stated that he would introduce some speakers to follow up on these points. He submitted a copy for the record and distributed copies to the Commission of a Power Point presentation that will also be presented and discussed this evening.

Atty. Bellis introduced Atty. Dominick Thomas who represents the Wells Family, the owners of this property. Atty. Thomas will talk to them about why a PDD is appropriate and why maintaining or keeping the LIP zone is not appropriate.

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby addressed the Commission. Atty. Thomas stated that he was representing the Wells Family and consulting with the Developers on this project. He stated that when they were discussing the proposal, he was asked to analyze, for the Commission, a proposal addressing the Plan of Conservation and Development (POCD) and its impact upon the Wells Family in this project. Currently, cutting to the chase, the zoning that exists here is almost confiscatory with respect to the Wells Family but the approach has to be, and they think they can show that the proposal before the Commission fits in with the POCD and by approving it they will, in fact, be following what that POCD says.

The POCD is meant to be a dynamic document as strategies are implemented and evaluated, the Plan should be continually revisited to address new issues, adjust courses of action or refine strategies. Atty. Thomas indicated that he couldn’t take credit for that statement; it is at Page P3 in their POCD.

Atty. Thomas stated that in their system of land use, a plan is done every 10 years. Maybe 40 or 50 years ago or maybe even 30 or 40 years ago, the changes in land use over 10 years wouldn’t be that great but the changes over the last 10 or 15 years in land use, technology, finances have impacted everything including zoning, future land use and other issues. Their Plan recognized that when it was being done – it was done in 2006 – it is 7 ½ almost 8 years old. It was developed over a course of time, probably between 2004 and 2006 and in that Plan and in what it is saying is that if you are not, as a Zoning Commissioner, light on your feet then you are going to get bypassed and the fact of the matter, it is important that that Plan can change with the time. It was researched and developed; remember this, during the time when the bubble was growing but before the bubble burst.

Atty. Thomas indicated that they will note, if they can think back when you were sitting as P&Z Commission and you don’t give up your own observations, but if you predicted that even when the bubble was bubbling, there was really no bubble in LIP. There was no bubble in their area, in office development because they have plenty of office; what did happen is that there were some specific tenants that took the time to come into Shelton during that time. It is important to remember that a couple of them, as they have gone through the last several years had buildings built, and a couple came in and took over vacant buildings. He noted that was an important thought that will carry through with this.

Atty. Thomas stated that another thing that they have to recognize – and why they need to be dynamic with respect to your Plan – is that light industrial buildings on Bridgeport Avenue within the corridor that left and stopped being light industrial uses never returned. He commented that he could look at three that he was involved in – Allerderm (the perfume manufacturing company) moved away. Atty. Thomas stated that before his client purchased the property they had no takers for that building as a light industrial building.

He stated that Index was owned by DSA Companies for five years with no takers during a time when they were in a supposed bubble. Eventually, it became self-storage. The UI Building has been vacant for a couple of years and it was even announced the year before that. While they haven't had anything before them, he can tell them that he's had four inquiries. They were inquiries where people called him up because of his familiarity with Shelton Zoning and asked him what they could do on this property. When he asked them what their intent would be, not one had anything to do with light industrial manufacturing. Regardless of that, they need to look at what is really the focus of the POCD and how it impacts this piece of property. Atty. Thomas indicated that the focus of the POCD is on economic development just as Atty. Bellis pointed out.

Atty. Thomas noted that on Page 4-15 of their POCD economic development is defined as, under the title of Guide To Appropriate Economic Development, *“Economic development can be broadly defined as any development that generates wealth for the community. This has traditionally been interpreted as commercial and industrial development that generates more tax revenue than it requires in services, creates jobs for local residents and creates multiplier effects as businesses and employees patronize other local businesses to meet their business and personal needs. As Baby Boomers in Shelton and communities throughout the nation collectively age, the concept of economic development has expanded to include age restricted housing that also pays more in taxes than it requires in services due to the limited number of school-aged children counted in such housing developments.”*

He indicated that was the definition of economic development in this dynamic document. Atty. Thomas stated that when you look at how that definition applies to commercial and industrial, there are a couple of things that you have to keep in mind – Number 1: there hasn't been that much development in Shelton or elsewhere with respect to Light Industrial and Number 2: the fact that it sets a definition of economic development that is based on results not based on a specific use. The POCD states that *“traditionally”* it refers to *“commercial and industrial;”* however, and it discusses age-restricted housing.

Atty. Thomas stated that one of the things that he would like to point out to them since they were intimately involved in it, in his research there was a note about an award which was given out. Avalon Shelton was recognized for its economic impact – the Connecticut Economic Resource Center presented awards and one of those awards noted that two of them were in the Lower Naugatuck Valley and one of them was Avalon Shelton – a residential, high-density apartment complex that was approved.

Atty. Thomas commented that this definition of economic development is the same as theirs – something that generates wealth for the community, something that generates more in taxes than services are required. He continued that with that in mind, he asked if there was a problem because they were taking property zoned LIP and changing that property to a PDD that involves a mix of residential uses.

Atty. Thomas stated that one of the points he would like to make – because a lot of the speakers are going to talk about adult-oriented development and in leaving the Assisted Living component aside for a minute, when this was written, the reference to age-restricted housing, the largest age restricted development was coming through the system at the time – Oxford Greens.

Atty. Thomas restated that Oxford Greens was the largest age restricted development in this area and he was involved in writing the regulations, working with the developers' implementation and later involved with developers addressing needed changes. He commented that there were dynamic changes that were needed and he pointed out that in the beginning it had to be single family homes only and the last amendment, and very successful fourth phase, has attached units in it. Atty. Thomas stated that one of the things he learned is that the people who are developing it recognized a demand - and this was not age restricted so they couldn't do it - there was a

demand for this type of housing for people in their 40's. They were people who were empty nesters or people who never had kids and they wanted to be in the type of community similar to age-restricted but not age-restricted but had services, things in it as this one would, and other ones in Shelton would, things that are (inaudible)...motivated to be an active adult community without a substantial amount of children. He mentioned things like no swing sets, no pools, no outdoor recreational activities so the statement in their POCD that refers to age restricted applies just as well to adult-oriented because they will show that it creates net tax revenue, jobs for local residents and has a multiplier effect, not from businesses and employees spending money, but from the individuals in the adult-oriented project going out and spending money on your businesses.

Atty. Thomas commented that it was easy to talk about that but asked about the statistics. He indicated that to investigate it, they can look to a community that has empirical evidence of adult-oriented but not age restricted residential cluster developments. This community has several such adult-oriented communities in it and can illustrate the impact of the communities on economic development and community services to show how they are engines of economic development. They may be familiar with the community known as Shelton, Connecticut.

Atty. Thomas stated that when you look at what this Commission has done over the last 20 years, which they will show, there has been the development of these adult-oriented communities substantially to the benefit of the town because they have created a positive tax flow and brought in people with disposable income and provided a type of housing that is attractive in many instances to Shelton residents who want to downsize and to executives who work in Shelton's corporate areas.

Atty. Thomas indicated that their presentation is going to track this economic development and look at it for a very important reason because as they've said to the Commission, there really has been no development in LIP and there is a reason why.

Atty. Thomas stated that he was recently at a function with a member of their Valley Community, a business member of the City of Shelton, Bill Bassett. He indicated that the Bassett Factory, the Bassett property on Trap Falls Road is an excellent example of a well-constructed LIP building. He didn't recall the exact square footage but it is quite sizeable with a big piece of land with parking. A developer bought it to use it, hopefully, for a light industrial tenant and it sold for what amounted to \$40/square foot.

Atty. Thomas stated that even if that person were to go berserk and spend \$30 more dollars per square foot renovating it, which is unnecessary because it is a fine building, it is not even close to the \$150 - \$200/square foot it would take to build. He stated that recently, very recently on Monday, he went on his Valley ? and there was the story that Better Packages was leaving Shelton and moving to 60,000 square feet Pershing Industrial Park building in Ansonia. He stated that there are plenty of light industrial buildings for these people to go into and people who are in that business are not stupid. They aren't going to spend \$200/square foot to build a new building when they can get into plenty of buildings anywhere from \$30 to \$40 to \$45 per square foot for buildings that require very little renovation.

However, they are going the wave a magic wand and show them a comparison between Light Industrial on the Wells site and Residential. They are going to show this to them so that they can see that under the current numbers, if they were to put light industrial on that property, it does not create economic development as defined by their POCD – anywhere near the economic development of the proposal for the single family homes, condominiums and assisted living that is before the Commission. Additionally, and some of these things will be addressed by Alan Shepard and others, they have a letter from the Conservation Commission that talks about the development, and he can tell them one thing for sure as they will see, if they put light industrial on that property – three or four buildings and all the parking – they will have to level this property substantially. They aren't going to be able to work with the slopes and everything. In addition, and Alan Shepard can better explain, the type of storm water drainage, storm water treatment that they are doing would not be able to be accomplished because, as Alan will tell them, when you go to light industrial and have all of those parking lots, you are going to have substantially heated water that needs to be cooled before it reaches the Far Mill.

Atty. Thomas stated that they have their first slide showing a picture of what this is going to look like so they have something that isn't square buildings with a lot of pavement. He indicated that the picture on the top is Heritage Pointe which is similar to what they are going to see in this project. He explained that the picture on the bottom was a concept picture of what the Assisted Living Facility would look like.

Atty. Thomas showed the next slide and read that Hawk's Ridge is the creation of Residential and Assisted Living Units. They've provided the numbers already and from the perspective of job creation, their proposal will create 200 to 300 permanent jobs within a 10 year period, boost the local economy and will generate \$50M in activity from Residential and \$60M Assisted Living with approx. 100 permanent jobs over the course of its operation.

Atty. Thomas went to the next slide and indicated that there has been no new construction in the past two decades on the Long Hill Cross Road (LHCR) area of light industrial buildings. He added that on this site the topography is not conducive for LIP but works well for their proposal.

Atty. Thomas stated that he would show them that there are a substantial number of vacant lots in Shelton on the LHCR area. They are showing this to them because it is important for the Commission to look at the POCD and to see that they aren't violating the POCD even though its Future Land Use Plan talks about it, but they are telling them that dynamically, they need to rethink what "economic development" really is as it relates to their proposal. He commented that in the past 10 years, there have been only three new LIP permits issued in the entire city so there is an abundance of land available in this city and an abundance of buildings if somebody had the idea to construct a manufacturing facility.

Atty. Thomas pointed out additionally the LIP buildings are selling for about \$40/square foot and some of them in very good shape. He talked about a building on LHCR, about 40,000 square foot and it generates \$62K annually in gross tax revenue. This site, if it was flattened quite a bit, could accommodate 4 buildings and that would generate \$248K in gross tax revenue. He commented that whenever economists estimate they have to be very conservative in what City services would be required for the development. The City services that would be required for the development in LIP would be approx. \$81K for net tax revenue of \$166K for 4 LIP buildings.

Atty. Thomas indicated that residential cluster developments have been successfully inserted into the LIP zones or adjacent to industrial uses for the 30 years including Heritage Pointe; however, the first one they ever did was Four Winds, Rivendell, Avalon on Bridgeport Ave., Country Place, Talbot Apartments, Blue Heron. He added that these are all examples of adult-oriented cluster developments that they have.

Atty. Thomas stated that with respect to the tax revenue which is where they get into the definition of economic development, the 111 units at an average tax of \$7,500 (based upon prior experience), the total tax revenue for the condominiums and single family is \$832,500. The Assisted Living tax revenue would be about \$300,000 making it total tax revenue of \$1,132,500.

In regard to expenditures, Atty. Thomas pointed out that they've estimated 16 children which is a relatively high number compared to the prior experience in some of the other units but they've estimated 16 school age children and additional City services cost \$225,000. The net total tax expenditure of \$409,000 and net tax revenue is approx. 3/4 of a million dollars.

Atty. Thomas stated that one thing he has learned from these economists when they do this is that they must estimate City services despite the capacity. In reality, either for the LIP end or this end, the amount of City services is probably going to be less because Shelton has a substantial amount of infrastructure already in place. This is an important factor to consider that your actual net tax revenue is going to be greater so from the get-go this project generates substantially more than an LIP project on this site.

In regard to the impact of school children, Atty. Thomas commented that they could provide statistics or give them reality. He showed a slide with a table listing existing communities in Shelton (Four Winds, Heritage Point, Waterview Landing, Wells Spring, Crescent Village, Cranberry Hill) with a total of 331 units combined with an actual total (not estimates) of 34 children in the Shelton school system. Atty. Thomas commented that while not age-restricted,

they are adult-oriented communities and not geared for children. There are no swing sets, no pools, no recreation equipment; therefore, they are mainly adult – a lot of people over 55+ but also people under 55+.

In doing a comparison of the tax revenue he showed a bar chart of the gross tax revenue for Hawk's Ridge and the gross tax revenue for LIP as well as a comparison between tax expenditures and net tax impact for both Hawk's Ridge and an LIP.

He reiterated the information and commented that he was repeating it for the simple reason that they've defined "economic development" in its first step as generating wealth for the community.

End of Tape 1A 8:35 p.m.

Atty. Thomas indicated that during the last presentation a comment was made about making the property R-1 if they are going to make it residential. He showed an analysis of what R-1 would do to the property in a chart showing the tax revenue comparison and a tax expenditure comparison. He explained that R-1 would create a drain on the services because of the fact that those types of developments are the ones that generate the children that use their school system.

He referenced the comparison of Hawk's Ridge adult-oriented community and a regular R-1 project focusing on the fact that in the POCD they are looking for projects that create wealth for the community.

Atty. Thomas presented another slide with an illustration of what the net tax impact is for their Hawk's Ridge project versus LIP and versus a regular R-1. As they can see the LIP is positive but is nowhere near creates the wealth for the community that this project does.

As far as light industrial manufacturing the individuals who are the developers met with neighbors and there is a concern that if they add more light industrial there is a concern for increased truck traffic. Also, his client's parcel has a gas line, a main sewer line and a steadily sloping landscape; the topography and the utilities are not conducive to LIP in the form that they are in right now. There are certain spots on it but they aren't going to take a property of this size and just put one small building on it. Atty. Thomas added that the Wells Family when they first began discussing this, said that they had one commercial-type, light industrial type proposal made to them and he doesn't think it would have come under their zoning. It was for a trail mix warehouse distribution center which would have been a very inexpensive building with a lot of trucks coming in to take trail mix out of Shelton to other locations. The fact is that LIP just does not fit but if they are going to do it on this site you would have to do substantial site work.

He asked if by taking away this property, is it creating a problem – is there a shortage? He showed the next few slides showing photos taken around Shelton of vacant buildings and empty lots. Atty. Thomas indicated that these photos indicate that there was no shortage of two things in Shelton - empty buildings that can be purchased for \$40/square foot and empty lots if someone wants to build a new light industrial building.

Atty. Thomas commented that as a matter of fact, if they look at the City property at Exit 13, they have the Mas property – a substantially large piece. If some developer came in and had a substantial need for a substantial size piece of property to put in something like a chip manufacturing facility, he's sure that the City would be happy to let them extend Constitution Boulevard and go in there. He added that they aren't going to find that happening but what he's trying to tell them is that there's abundance, an abundance of property where people can build if they wish to at \$200/square foot.

He presented slides showing an overall look at Bridgeport Avenue adding that Bridgeport Avenue is truly a mixed use area – a substantially mixed use area. It has developed to the envy of many other towns in that way starting with the corporate, following with services and now has followed with many successful residential projects.

On a slide with an aerial photograph, Atty. Thomas Pointed out the location of Wells Spring, the old Richardson-Vicks property which was Health Net and explained that he's sure it is going to be recycled into something else soon.

On a slide showing the Four Winds site, which he explained was the first of the cluster development, Atty. Thomas stated it was very successful and has only three school aged children. He referenced the Wells Spring slide again with Sure Source, UBS, California Closets and other light industrial buildings right next to it; they have co-existed for almost 20 years with no problems whatsoever.

On a slide showing Rivendell condominiums, he pointed out its location in the middle of the Constitution Boulevard light industrial area generating an enormous amount of positive tax revenue. Atty. Thomas indicated that they have condominium projects – Knollwood, Country Place and Sunwood that go back even farther which are abutting commercial projects so the idea of mixed use and putting them up against each other is nothing new in Shelton.

Atty. Thomas stated that one of the more recent ones is Heritage Pointe and it is the same developer so it shows a good example of what things are going to look like, how it developed and the type of demographics – the kind of people that go into it. He reviewed that in Heritage Village there are 40 single family homes, \$283K in tax revenue, 5 school aged children and they have restrictive covenants prohibiting outdoor recreational facilities such as pools, swing sets, basketball hoops which are the same things that would be the same covenants on this proposal.

Atty. Thomas referenced the recently approved Francini-Talbot Partners 228 apartments and showed a slide of its location. He stated that this property is also located in an area next to Fairchild Mobile Home Park, a high density residential use and bordered by light industrial and bordered by commercial – he commented that they can co-exist very easily.

On the next slide Atty. Thomas discussed Avalon Bay on Bridgeport Avenue which is an extremely successfully high density residential approach that has, from his understanding, is constantly 90% to 100% rented. Avalon Bay is located right in an area where there is light industrial, hotel, and more light industrial. He added that there is a property next to it, the Coco property and that owner has been trying to sell (40,000 square feet medical office building, an approved PDD) and there have been no takers. There have been no takers for office and light industrial development.

Atty. Thomas showed a slide showing the site location of Cranberry Estates which has 40 single family homes with a positive tax base of \$300,000. These are all examples of projects that created wealth for the community, created a tremendous amount of jobs for the community and brought in people with disposable income to spend within the community.

Atty. Thomas stated that the Hawks Ridge site that they are showing is what their proposal is and they believe that their proposal will create an enormous amount of jobs in the development even after it is done and bring in the same type of people; thereby complying with their POCD's definition of what "economic development" is and what it is in 2014 – and it is different to a varied extent than what it was possibly before.

Atty. Thomas noted that he doesn't think that there was a real light industrial peak in 2006 going on but this type of development is the development that substantially creates much greater wealth for the community.

Atty. Thomas stated that within the presentation and for the record, there are other statistics that they are prepared to show and they don't need to go into detail on all of them but the bottom line is that the reality, the fact is, that there has not been a substantial amount of new development. There have been people moving into Shelton, companies moving into Shelton and taking vacant space because the quality of space in Shelton is very good. There is an abundance of land so taking this away sets no precedent, sets no problem because they have a substantial amount of land for people to develop.

Atty. Thomas indicated that they need to keep in mind that one of the big differences over the last decade or more – is the smart phone and the laptop – he stated that he was at a seminar in

which an explanation was given that talked about the fact that people are able to shrink both their square footage for industrial and their square footage for office because of the fact that technology has created a situation where an entire department can work from home or from remote locations just like the P&Z Planning Consultant and Commissioner Pogoda are Skyping into this meeting and participate in this meeting tonight. He commented that if you as a business person can cut out 1,000 square feet or 5,000 square feet or whatever of rent expense by using technology then you do that. He indicated that is what has happened and that is what is evolving and its one of the things that you, as a Commission need to take into account when looking at how dynamically they address the POCD and what economic development is now.

Atty. Thomas indicated that they've gotten to the site plan slide and it is the end of his presentation because they will now go to Chris Kerin.

Atty. Bellis thanked Atty. Thomas for his presentation. He commented that Atty. Thomas discussed the LIP which has a lot of history and he's been an attorney for a long time in Shelton. He added that for you and I reading the newspapers, they know what is going on in the state and in the country and know what is happening. He showed a headline from the Connecticut Post, October 31, 2013, Office Market Fails to Benefit from the Recovery. He read from the article that "across the region vacancy rates still top 20% in most areas." He explained that the article extensively discusses statistics in Greenwich and Stamford and the bottom line is that for the last 10 quarters there has been no increase. It has been stagnant and the vacancy levels in these major business centers are not going down. Atty. Bellis stated that Atty. Thomas touched upon it but he thinks that they'd be foolish to believe that they're going to wait for the day that people are going to come to Shelton and start building fancy offices. He made the point that one dollar today waiting for your \$1.50 in 10 years that may or may not come is foolish planning. He clarified that he means that they've provided statistics on what would be generated if this project is approved.

Atty. Bellis stated that if the Commission does not approve it then they can say that they'll wait 5 or 10 years, and maybe there will be a need for office space again. He added that it isn't what the economists are saying but if they were to believe that, he asked if they could make up, in that 10 year period, the lost revenue that they wouldn't have for a 10 year period – what Hawk's Ridge would have generated - \$750,000 x 10 years, that's \$7.5 million dollars. They'd have to build the Empire State Building to get their money back and that is just not going to happen.

Atty. Bellis stated that he wasn't an expert but Chris Kerin is and he will speak to this point. He introduced Mr. Kerin and indicated that he was with Kerin & Fazio LLC, he graduated UCONN with a Finance degree and he's a MAI Certified Appraiser, and he has an elite CCIM designation and only 4% of professionals that he knows have that. Additionally, Mr. Kerin represents large companies such as IBM, Mobil, Aquarion, Government and non-profit agencies. He's been an expert for the court system on values and they've asked him to do a market study and render an opinion.

Mr. Chris Kerin, MAI, CCIM, Kevin & Fazio, LLC, 1129 Post Road, Fairfield, CT

addressed the Commission. Mr. Kerin stated that he was a commercial appraiser and he also does consulting and he's been active in the local market for 25 years. Mr. Kerin stated that he was asked to look at this project from the point of view of develop-ability under its existing zoning and also suitability for the proposed use.

Mr. Kerin indicated that he has prepared a report that was submitted last year. He recently reviewed the data and found no real substantial change in the data from that time to today. Copies of Mr. Kerin's Real Estate Market Study were distributed to all Commissioners present.

Mr. Kerin stated that they are looking at this from the point of view of a potential user of this property for its underlying LIP zone which is an industrial user or an office user. He indicated that LIP user is concerned with is both the supply and demand in the market and the financial feasibility of the development of this property.

He showed some stats on the PowerPoint presentation which he indicated were also contained in his report. He explained that when you are looking at the supply and demand factors in the market currently in Fairfield County and within the City of Shelton, it is obvious, and obvious to

most everyone having lived here, that both segments of the industrial and office are currently in a state of oversupply right now. And they have been in a state of oversupply for quite some time.

Mr. Kerin stated that there are approximately 4 million square feet of industrial and flex space in Shelton and 20% of that space is currently available for lease. He added that matches Fairfield County with its 12 million square feet of vacant space available in Fairfield County so if you are an industrial user and you're looking to open a business in Fairfield County, you have 12 million square feet of existing vacant space to choose from.

In looking at the office segment, Mr. Kerin stated that there is 23% of the office space in Shelton is currently vacant and available for lease. He added that was 4.5 million square feet and that is greater than Fairfield County – there is currently almost 14 million square feet of available office space in Fairfield County. He stated that if you are an office user, before you even talk about constructing new offices, you have 14 million square feet of vacant space that currently constructed and available.

Mr. Kerin indicated that the median time on market for both office and industrial space in Shelton is nearly two years which means that properties that are on the market now have been on the market for on average two years. Most of the space has been on the market for more than 22 months so that is the supply side of the equation.

Mr. Kerin stated that in looking at the demand side of the equation the employment drivers for both industrial and office uses are declining and not just declining today but have been over a period of time.

Mr. Kerin commented that manufacturing employment in Shelton has steadily declined, falling 19% into 2004 – 2011 and State-wide manufacturing employment dropped 29% over the same period. Manufacturing is moving out of Connecticut and this should be no surprise; it is a trend that has been going on for quite some time.

Mr. Kerin indicated that office employment in Shelton has declined steadily since the economic crisis in 2008 dropping 21% in 2007 – 2011. He echoed some of things that Atty. Thomas had mentioned and commented that he does a lot of appraisals and work for municipalities, he defends court appeals for the City of Shelton and he also does the same thing for Southbury. Southbury has IBM which is a million square foot facility and last year he had a chance to walk through that facility and it is a ghost town. There are large portions of that facility that available for sublease and a lot of that has to do with what IBM is doing but more than that, it has to do with telecommuting. People telecommute to work, maybe not 5 days a week but you will find that most positions in that industry have people telecommuting on snowy days or telecommuting to stay home with children. They may go to the office a couple of days a week and telecommute.

Mr. Kerin stated that he was recently in GE Headquarters in Fairfield and people there go from having an office in three different places throughout the area and they won't be in the one office but spread around. It is that telecommuting and they also have at the same time the space per worker is being reduced. The open floor layout is what is going on right now which is totally different than what they had 10 or 20 years ago when everyone had an individual office and everyone had a set amount of square footage.

Mr. Kerin reiterated that they have less people going to work and less space per worker. There is a trend toward less office space in general. At the same that they have that, there is a lot of office space currently on the market.

Mr. Kerin indicated that is the existing product that is on the market. This property would not only be competing against this existing product; it would be competing against vacant land because someone who would come to this project as an LIP zoned land would be building new. And up and down Fairfield County, they have projects closer to NYC that are waiting to get off the ground and have been waiting to get off the ground and there are no users out there pushing for them. He indicated that in Stamford, Building & Van? Technology in the south end of Stamford – they are redeveloping the whole south end of Stamford. There are millions of square feet available to go up but there is no office development taking place right now. He commented

that what is going up are apartments – multi-family developments – that is what is going up in the south end of Stamford.

Mr. Kerin indicated that moving up the 95 corridor, they have the Norwalk Maritime Center and north of there is a large development project which has been on the books for over a decade. They haven't moved on any of the office development, only the multi-family development has been going forward there.

Mr. Kerin commented that in Fairfield they built a brand new train station anticipating office development but they haven't put shovels in the ground there either so along the 95 corridor if someone is going to build here than they are also looking at those other projects. Those projects are mostly on level parcels of land with very little site work that is necessary whereas for this project there is a large sewer line going through it that may have to be moved, and topography considerations that need to be factored into the equation.

Mr. Kerin stated that along the 84 corridor, they have western Danbury which has land available for development, Newtown has built up Exit 9 and Fairfield Hills redevelopment of office development or industrial development that is planned for those projects and there are no users out there to take them. Southbury has a large parcel of land that the town purchased 5 or 10 years ago for industrial or office use to enhance the tax base and nothing is going forward there. Mr. Kerin stated that the user that would be potentially on this property is the same user that most of the other municipalities in Fairfield County are also vying for.

Mr. Kerin commented that he would close the loop by discussing who would build now. He asked if you are an office user are you going to build in this current market today. Atty. Thomas made a great point and actually came up with some of the same numbers that he came up with – the cost of office construction now is about \$200/foot – nobody is building office right now because of this oversupply. There are available properties on the market right now at significantly below replacement cost – as an example he pulled a few of them within Shelton:

- 2 Research Drive sold in December 2013 - 50,000 square feet of industrial space sold for \$40/square foot.
- 30 Controls Drive sold in October 2013- 24,000 square feet of office space sold \$57/square foot
- 4 Research Drive sold in mid 2013 - almost 150,000 square feet office space sold for \$55/square foot
- 6 Armstrong Road sold in mid 2012 - 175,000 square feet of office space sold for \$47/square foot.

He concluded that nobody is building for \$200/square foot when you can buy for about \$50/square foot. In conclusion, Mr. Kerin stated that in regard to the LIP zoning, it is his opinion that if it were to stay LIP, it would remain vacant into the foreseeable future. It is highly unlikely that anyone is going to step up to the plate and develop this for any office or industrial use in the foreseeable future. In the event that someone does come to Shelton and wants to develop an LIP parcel of land, there remains 167 acres of land in the LIP zone available for development excluding the subject property so there is land available if you were to get that one user that wants to come here. Mr. Kerin indicated that inventory doesn't include properties that have improvements on them that have some excess land nor does it include land in other commercial and industrial zones in Shelton which allow for office and industrial development.

Mr. Kerin concluded by stating that the property is suited ideally for what is being proposed for it. He added that as Atty. Thomas pointed out in the slide presentation, you typically find in both Shelton and throughout this market of Fairfield County and New Haven County, these types of uses in transitional areas between commercial, industrial use and residential use. The demand right now is for multi-family, active adult and for assisted living and that is where you find those uses – you find them in those transitional neighborhoods so the subject property and the subject use as proposed is ideally suited for this parcel of land for this location and it will not adversely affect any of the surrounding properties. He thanked the Commission.

Atty. Bellis thanked Mr. Kerin and commented that they all know that Governor Malloy has been negotiating with current companies now and paying them to stay in Connecticut. It is not good. They are moving out of Connecticut and they are moving out of town, going down south,

going to where there is cheaper labor and better taxes. He stated that he thinks that they have to stay ahead of the curve and try to keep economic development going by doing projects such as this which will generate revenue while they can. He introduced Alan Shepard to discuss engineering and the Commissioners may have some questions for him about the project itself. Mr. Shepard will address some of the concerns that the City Engineer had.

Alan Shepard, P.E., Nowakowski, O’Bymachow, Kane & Associates, 415 Howe Avenue, Shelton addressed the Commission. Mr. Shepard distributed a memorandum to all Commissioners. He addressed the City Engineer’s letter, Bob Kulacz’s comments about the drainage. Mr. Shepard agreed and commented that he’ll provide a detailed drainage report in the Detailed Site Development Plans. He has had conversations with the City Engineer and John Cook from Wetlands and they are in agreement on the type of drainage that could go on here.

Mr. Shepard stated that they could have water quality features. The concern here is the brook and quality of water going to the brook and land lays itself that they can have some nice features in that. Obviously, the nuts and bolts details of it will be provided with the Detailed Development Plans. He wanted to point that out so it is understood.

Mr. Shepard Pointed out that they do have preliminary approval from WPCA where they do flows on the property. He’s been at the meetings and they’ve had discussions and although presented concerns, they are tackling those concerns and have projects in the works to tackle those concerns.

Mr. Shepard commented on a couple of points in the Conservation Commission’s letter. In the plans as submitted they do have the steep slope shown on the plan, they do have stone walls, wetlands of all types and a couple of the features that he wanted to point out that might not be obvious.

Using a site map, Mr. Shepard pointed out the first part coming off of LHCR, there is a stone wall in the field. He indicated that the stone wall has been located and it will be maintained so that is (inaudible)...There are significant trees that are out there. A lot of the property was field and as you move across the field, there is another stone wall (he showed the location of the stone wall) that will also be maintained and there are wetlands in back of it. He showed a green corridor on the site plan and showed how the development works around that.

Mr. Shepard stated that because of the grids and contouring on the property, what they can do with individual houses that they couldn’t do with a commercial building is step the houses down the hillside, work with the grades and have no cuts or fills over 10 feet on the housing part of the project – for the multi-family and single family. He pointed out one area with an 8 foot wall, down towards LHCR, it’s the field that is kind of steep, but an 8 foot wall is a mild amount for the size and the scope of this project.

The cross slope that they would get down over the gas line to the property to connect the road, they (inaudible) located the terrain out there and got that so it runs the ridge so they have a 10 foot cut sloping down the hillside with 10 feet of fill over the gas line because they wouldn’t want to do a cut over the gas line (obviously, it is a lot easier to do a fill) and then sloping around with the contours coming out toward the Assisted Living Facility.

The type of development that you could do on this type of land, being that it is sloping and it is not particularly flat, lends itself to smaller buildings and staggered roof lines so that when they go down the hill it gives a New England Village type of look which is seen around a lot.

Mr. Shepard commented that the wetland consideration here for the size of the project that they have is less than 5,000 square feet of wetland fill. He added that was a good day for any development especially for the size – even single family houses have more than that. The wetland crossing that they have was to accommodate the Sewer Department if they would want gravity off the end of the cul-de-sac, one line instead of going four streams (inaudible) so they asked them to present that to the Wetland Commission who said that conceptually it is fine.

Mr. Shepard indicated that in regard to the grading for the property on the site plans, they don’t have any significant cuts or fills with this project layout. They can work with the land stepping

the houses down and the road layout, the placement of the buildings were all placed to work within the contours of the site conditions that they found out on the property. He indicated that if they had commercial buildings, there would have to be parking lots, big paved areas and it would give you a whole different feel. They wouldn't be able to get this kind of a feel with a commercial type of project especially with the sewer line and gas line because it is better to work around those.

The site overall and the entranceways that come in were picked for their sight line capabilities. They actually field shot the grades out there to check that so he was pleased with the layout of the site overall (inaudible)...

Atty. Bellis indicated that he would like to bring up the architect to tell them a little bit about what the Assisted Living Facility is going to look like.

Nicholas Michnevitz, Principal, Mbh Architecture, West Hartford, CT addressed the Commission. Mr. Michnevitz indicated that the concept sketch shown on the slide is designed for working with a client that has a strong interest in developing and operating an Assisted Living Facility on this property. With their typical program and typical assisted living layout they wanted to show them an assisted living model that could be configured on this existing parcel of property.

Mr. Michnevitz indicated that what they have configured here and the site plan is twisted a little bit. He showed the building profile which is basically around 52,000 square feet and tends to be three floors. The third story facing the street and obviously this building is built into the topography so it is a three-story exposure here and a two-story exposure up on top.

Mr. Michnevitz stated that sort of model in program is to a scale. In a real program that would follow most assisted living in this particular client where they created these nestled wings for different acuity levels in assisted living – independent living, memory care, Alzheimer's/ Dementia in various levels of care.

The whole concept of the assisted living is really aging in place and so everything really needs to be in one singular building. Many years ago, many complexes had a different variety of buildings spread out all over the campus and they were moving from one building to the next, but the new model of care now is drastically different. They are in one wing for a period of time and can move to the other so that they are residing in one particular building and aging in place. A lot of these facilities have spouses or sisters or brothers who are companions so they can still be under one building.

Mr. Michnevitz stated that one of the major advantages in these types of campuses is trying to create a private setting, a private community and this particular sketch that was recently done, they didn't have the throughway of the road system basically bisecting the properties. Most of these particular developments are really closed and private. There are a lot of amenities as it relates to assisted living in terms of outdoor walking paths, century gardens and the like with accessibility and physical impairments having those walking paths basically interfered with traffic flow and could cause a little bit of an issue here.

In the development of this site there is another small building over on the right hand side and that is an administrative building or annex building that would typically be used for administration and education for some of the nursing and aides that may need to support this. This is a model that is in vogue these days where nursing schools or nursing education is done on site and there is a drastic need for that support.

The traffic pattern and parking is very similar to the master site plan that they just saw previously where you come into the main part of the assisted living and rising up where the front entry is located and that gazebo canopy is what is represented in this rendering. It comes back down with the flow of land with a left turn path.

Mr. Michnevitz commented that in this configuration there are also pockets of terraces and patios that are stepped within the sloping of the grades. Again this is a three story building but it is built into the hillside so they aren't creating a flat site.

One of the unique advantages over here given the topography and given the woodlands and some of the wetlands and natural vegetation, is having the visibility and the views toward the farm. He indicated that they are working on a very similar building in Storrs where there is a farm concept that is built into the campus itself. It is something that is very attractive these days.

One of the other features that are seen a lot in the assisted living inside there are common areas and activity areas within the building itself. He stated that was the idea in a nutshell if they have any questions. He added that in the essence of time here he wanted to brief.

Chair Parkins asked about this rendering not being the same as what was provided. She asked if this was a new plan or will it be revised to accommodate the road that is now running through.

Mr. Michnevitz responded that since this project is sort of conceptual this is also a conceptual alternative and a little bit more realistic in terms of the size and configuration given 196 units. Instead of having two separate buildings or two to three buildings, more than likely it will be one building. He thought it would be prudent at this time to share this conceptual version. He added that there were many other variations and this is one particular model.

Atty. Bellis stated that he is trying to move this along.

Chair Parkins commented that it was already ½ hour past the projected time.

Atty. Bellis responded that he didn't know that he'd have Atty. Thomas...He indicated that Joe Balskus would discuss the traffic.

Joe Balskus, Director of Traffic & Parking, Tighe & Bond, 1000 Bridgeport Avenue, Shelton addressed the Commission. Mr. Balskus indicated that he is a licensed P.E. in the State of Connecticut and a nationally certified Professional Traffic Operation Engineer. He added that he knows traffic and loves doing traffic and he's been doing traffic in Shelton for 24 or 25 years now. Obviously he doesn't know the area like his backyard but he's been working here and knows Bridgeport Avenue really well.

Mr. Balskus indicated that he wanted to go through a brief presentation for them regarding this traffic impact study that they submitted and go over a couple of points. He stated that he'll go through it real quick because the Town (inaudible)...Fire Marshal and Police Chief.

Mr. Balskus indicated that they conducted a typical traffic impact study, roadway network, traffic counts, analysis looking at the intersection capacities, and queuing. They did a comparison of residential traffic generation to LIP traffic generation. They looked at the generation, distribution and also some improvements.

On the actual road network itself (inaudible)... this site map (inaudible) as a site itself, black and white here, Long Hill Cross Road (LHCR), Bridgeport Avenue, Old Stratford Road. He indicated that those were their premier (inaudible) corridors that he looked at as part of the Traffic Impact Study.

The study area itself – he showed a color map showing circles here the intersections that they looked at for study area – LHCR, Long Hill Avenue, Bridgeport Avenue at three intersections, Beard Sawmill and Old Stratford Road. They added Far Mill in this study because they have the cut through roadway through this site. Traffic counts taken in the morning, weekday, and weekends in areas where they did field observation. Mr. Balskus stated that he has been involved in hearing about and they wanted to be out there to get a taste for the traffic operations during the peak hours. They took some photos, measurements, videos and have driven it many times to get a flavor of the traffic patterns that exist on the roadway system to understand it better.

Mr. Balskus indicated that traffic studies always question the traffic generation and what it is going to generate in traffic. He referenced the Institute of Transportation Engineers (ITE), ITE Trip Generation Manual (several editions are used), National Studies across country, hundreds of

land uses compiled into a trip generation statistic which gives engineers the ability to project traffic for land development, in this case residential.

Mr. Balskus indicated that they also have Heritage Pointe in terms of being a different type of residential development with not many kids there – not a lot of soccer moms going in and out and things like that – so it is really a different generation of people counted there. In terms of how that operates in terms of traffic with this being a similar development and they found that it is a lower traffic generator in ITE. Mr. Balskus commented that you could say that it generates less traffic than ITE than why don't you use that. They did use though and wanted to understand and compare it to the ITE but for their analysis purposes they used the more conservative traffic generation rates from ITE.

Mr. Balskus showed a slide with a table right out of the Traffic Impact Study showing the land use itself, single family, townhouses, and assisted living with a total of traffic generation in the peak hours of about 108 vehicles in the morning and 140 vehicles in the afternoon from the three different uses. He added that is considered a low generator of traffic – around 100 cars an hour is typically a low generator of traffic; in fact, if this development had 100 units or less they wouldn't even be under the purview of the State Traffic Administration because they classify it as a lower traffic generators.

Mr. Balskus discussed some traffic issues that they've talked about and are aware of going over this with you. Beard Sawmill Road connection is a connection between LHCR and Beard Sawmill Road that can induce cut through traffic. Some other issues involving residential traffic versus LIP, basically it doubles the traffic. If you were to build a 150,000 – 200,000 square feet of industrial property here, it would essentially double traffic from this development versus that development. If they were to build office in the same square footage, you would have to triple the traffic so it is a much higher generator of traffic in terms of the area versus the less dense residential development.

Mr. Balskus indicated that LHCR is not really conducive to additional commercial development. It is a narrower road, roughly 25 feet wide versus a more conducive roadway for industrial development such as Constitution Boulevard which is 50 feet wide. It is not necessarily something where they would want to look at adding more cars as well as trucks; with LIP and Office they will have much more truck traffic accessing the development versus a residential development. Also, Bridgeport Avenue, as they know, has traffic and congestion on it during its peak hours.

He mentioned a connection that shows that LHCR and Beard Sawmill Road - by having that connection you can reduce that cut through and use this road way to offload the traffic on Bridgeport Avenue as one example.

Mr. Balskus talked about some improvements that they looked at for this analysis. He showed a map of the intersection of Bridgeport Avenue and LHCR. He indicated that it is presently a single thru lane northbound and the right turn lane into LHCR and a single southbound lane with a wide shoulder that is signalized. In looking at traffic generation, they are looking at doing this type of improvement where they would restripe the northbound approach to provide some more storage – he referenced the queues of cars stored/stacked there because the right turn lane is empty. They are anticipating restriping that approach so that they have two thru lanes to stack more cars at the light, give them a little bit more green time for LHCR as well as doing some widening along there to accommodate the two thru lane approach now. It will give a better operation to accommodate traffic being generated by the (inaudible)...

He presented a table out of the traffic impact study and shows them the level of service of the intersections during peak hours. They don't see any drastic changes in the level of service here going from a "B" to a "D" or a "D" to an "F." He stated that basically with those improvements and re-timings, minimizing the impacts with minor changes in traffic flow during peak hours (inaudible)...

Microphone dead...

Mr. Balskus indicated that the table just gives them a picture of the levels of services that are not changing drastically. For impact they look at something going from a “C” to an “E” or a “D” to an “F” and they don’t have that here so they maintain the level of service or keep the minimum level of service “C” at the other minor intersections. To summarize the Traffic Impact Study, he again stated that it is a low generator of traffic, about 100 cars, 140 trips in the afternoon. He stated that 100 trips is usually a rule of thumb when looking at impact at intersections so in the morning about a 100 and afternoon 140 but he still looks at as a lower generator of traffic as compared to an office development or an LIP development.

Mr. Balskus stated that there are fewer trucks as well – there will certainly be less truck traffic than they would have under an LIP zone site. LHCR as he mentioned is a residential roadway for the most part; it carries commercial traffic but it is really designed to carry less traffic with less trucks on it than this development would provide.

He summarized that Beard Sawmill Road connection, there are impacts to that by connecting the two roadways in terms of traffic volume and taking the volume off of Bridgeport Avenue and putting it onto Beard Sawmill Road. He summarized their improvements and added that– Alan Shepard talked about the improvements to LHCR and redoing parts of LHCR sight lines for the bumps that are along there as well as the improvements to Bridgeport Avenue where it intersects with LHCR. He concluded his presentation.

Comm. Harger asked what the time frame was for those 100 trips that would be generated – she asked if it was a 30 minute time frame or longer.

Mr. Balskus responded that it was during the morning peak hour.

Comm. Harger asked if he was saying that it was from 6:30 a.m. to 8:30 a.m.

Mr. Balskus responded that it would be for one hour, 7:30 a.m. to 8:30 a.m. so basically they are looking at every minute, they would have close to two cars because 120 cars would be two cars per minute; so, basically 100 cars would be about little more than one car each minute. He added that in the five minutes that he’s been talking, about 10 cars would have driven by – but yes, it is within the hour itself.

Atty. Bellis asked Mr. Balskus if he had addressed the comments received...

Mr. Balskus responded that no he hadn’t and presented a slide showing the comments received from the Fire Marshal and the Police Chief. In regard to the Fire Marshal comments, Mr. Balskus stated that the Fire Marshal requested that if they are doing any work at the signals, he wants to have the Emergency Preemption System. He explained that the fire trucks have a flashing device on the truck that optimally tells the signal light to go green so that they can go through it. It is a relatively new thing that Shelton is doing on their fire trucks and at their intersections so, yes, if they are doing work in the intersection with the signal, they can include that and there’s new issue with that whatsoever. He reiterated that was a no-brainer.

Mr. Balskus stated that the Police Chief had 4 or 5 comments. One was regarding a review of LHCR and Bridgeport Avenue and they’ve done that. He said that he just reviewed the improvements that they are proposing at that intersection such as restriping, widening, and signal retiming. Another comment was in regard to the Bridgeport Avenue and Beard Sawmill Road intersection and they looked at that as a part of their study and with the cut through that they have in the plan, they are pulling traffic away from that intersection so there is no need to do improvements at the intersection.

Mr. Balskus indicated that for LHCR, he mentioned that Alan Shepard talked about improving LHCR to address the bumps and dips in the road as well as sight lines coming out from driveways.

Beard Sawmill Road between Bridgeport Avenue and Far Mill Crossing was another issue from the Police Chief requesting that they look at the entire stretch from Far Mill Crossing to Bridgeport Avenue along Beard Sawmill Road. Mr. Balskus indicated that they have to look at that; they haven’t finished looking at that depending upon the cut through and access to that road

will determine what they do to Beard Sawmill Road as far as improvements. This is an ongoing issue they are looking at.

Mr. Balskus stated that the Police Chief last's comments regarded Far Mill Crossing at Old Stratford Road turn lanes and those exist today.

An audience member (unidentified) commented that they don't exist.

Chair Parkins requested that there be no further comments from the audience interrupting the speaker and she asked them to wait until to public portion with any comments.

Mr. Balskus commented that he did want to address that issue though and showed an area map, zooming in on the portion of that street indicating three separate turn lanes. He reiterated that the turns lanes are there as of today. He added that they did an analysis there and there is no impact and very little volume going to the intersection and there are turn lanes there today.

A.J. Grasso, 15 Beechtree Hill Road, Shelton addressed the Commission. Mr. Grasso stated that he was a life-long resident of Shelton, graduated from Shelton High School about 30 years ago. He added that he lives here with his wife and four daughters (he added that soon he will have 4 teenage daughters). Mr. Grasso stated that he sold his first house here almost 25 years ago. He indicated that there are at least three people here in the audience today that worked on that house with him and two of which he attended kindergarten with. He thanked those audience members for attending tonight and he appreciates it.

Mr. Grasso showed the entrance to Heritage Pointe on Buddington Road in Shelton which is a very successful development that was approved by the P&Z Commission in 2003. It was a light industrial and an R-1 zone; Heritage Pointe is a 40 unit detached adult residential community. It has smaller lots, smaller homes, no swing sets, no pools, no basketball hoops and very few children. The Heritage Pointe subdivision is very similar to the single family portion of Hawk's Ridge.

He showed a slide a listing of construction jobs and the loyalty he has had with those people who work for him that are local. There is about \$50M worth of work through the residential portion of this project alone. They will be building out this entire residential portion, every single family and every condominium will be built by him and his builders.

As they can see from the chart shown, he will hire local contractors and suppliers. There are 21 local businesses that they used to build Heritage Pointe and there are 27 businesses in the surrounding towns that were used during the construction as well. Ninety-seven percent of the businesses that they use are located here in Shelton and the ones that are not are businesses such as Verizon and companies like that.

Mr. Grasso stated that one of the things that is very helpful with using local people and being loyal too is that the quality of their work shows and their customer satisfaction is incredible. In the last three years alone they have built five homes for people that they already built for. There are contractors and suppliers here tonight that he has been doing business with for over 20 years.

Mr. Grasso showed the entrance to Heritage Pointe and noted that it was very heavily landscaped and has a well thought out entrance in which you can see very few of the homes as you enter the development. He said that it will be similar when you come into Hawks Ridge.

He commented about the good landscaping and indicated that there was a single family home to the right of this picture and it cannot be seen and the homeowners can't see anything either because of the amount of landscaping. In entering, it is difficult to tell if there were six homes in here or the 40 that exist in there and that would be the way that they layout Hawk's Ridge as well.

He showed a photo of one of the homes at Heritage Pointe and it is very similar to the homes that will be built at Hawk's Ridge. The homes at Hawk's Ridge may be slightly smaller but this home shown is approx. 2,400 square feet. It also shows next to the house, the right end side of the entrance coming into Heritage Pointe which is heavily buffered – about 25 feet of buffer

area. He added that most of the development at Hawk's Ridge has about 50 feet that they are going to work with. The advantage of Hawk's Ridge also that they existing perimeter of Hawk's Ridge is currently very well buffered with trees and they will add to them.

He commented on another photo and indicated that it was actually a wetland and as they can, when they were building the road system, they went to great efforts to protect it and as they can see, it is flourishing.

Mr. Grasso showed another slide with a photograph of a beautiful home interior sent to him by a customer that he really feels provides a good indication of what people are looking for – someplace quiet and peaceful with a beautiful view out of the back window full of trees.

Mr. Grasso showed a rendering of one of their single family home models including an interior floor plan. He pointed out that they have reduced the density of this application versus their last application by over 21% . He added that he and Alan Shepard knew that they had arrived at the correct number of units in regard to the density when their site plan had not one single family home or one condominium with a backyard abutting directly up to another. He reiterated that was when they knew that it was not more dense than it should be.

He commented that single family lots at Hawk's Ridge are going to be large than they are at Heritage Pointe. He requested that if the Commissioners have a chance, to please drive through and see how beautiful the road is.

Mr. Grasso presented another slide and commented that the condominium layout would be much like the layout at Crescent View and the buffering at this property will be extensive as well. They would expect this project to take about 8 to 10 years and that doesn't include the last two years that they've been working on this. The homes and condominiums will be between 1,800 and 2,400 square feet, LEED Certified as well as Energy Star Certified. They will be upper scale homes, hardwood flooring, granite countertops and magnificently landscaped. Many of the homes at Heritage Pointe are landscaped on three sides and several of them are landscaped on four sides.

Mr. Grasso showed another slide of rendering of another potential house at Hawk's Ridge and another with a rendering what they anticipate for the multi-family section at Hawk's Ridge. He turned the presentation back over to Atty. Thomas.

Atty. Thomas stated that the presentation that they had was extensive, obviously, because this is a very large project. He summed it up by saying that they have to consider, as the P&Z Commission, the POCD and what is economic development and what is (inaudible)...As they began with and as they supplemented, especially by what Chris Kerin presented to them, clearly they think this property as LIP is not something that they as a Commission should even consider at this Point. The fact is, as he said in representing the Wells Family, it is really almost confiscatory to the good because there is very little chance that in the foreseeable future that it would ever be developed, if ever. This proposal is something that will generate, and he thinks this is the best conclusion for them, this is a proposal that will generate wealth for the community which is the requirement for economic development. It will generate jobs, as A.J. Grasso just stated, it is a 10 year project. It is going to generate jobs, it is going to generate local jobs, even when it is done because of the community, the assisted living facility, it is going to generate jobs for the people in the area and the City of Shelton.

Atty. Thomas stated that finally, and most importantly, it is going to really provide you with multiplier effect that they have in their POCD much more so than a small industrial building or even several industrial buildings would because the people that will move in here that will be in the single family and the condos will have disposable income that they will spend in the City of Shelton. Atty. Thomas commented that they weren't telling them this to tell them that it will happen in this project but they are telling them this because it has happened in the projects that they've already approved. He thanked them for their attention and everyone here is present to answer questions.

Atty. Bellis stated that he knows that it is late and he knows that the Chair had a cut-off time so he is going to thank all the people that are here and asked for a show of hands as to who supports

the projects. He asked the record to reflect that all of the people sitting with the Applicant came tonight in support of the project. He asked the Commission if they had any questions – he added that he realizes that it is 5 minutes to 10 o'clock (inaudible)...

Chair Parkins commented that if the heat hasn't already been shut off in the Auditorium it will be at 10 p.m. and that is one of the additional reasons that they will be ending the meeting at 10 p.m. – it is very chilly in here. The meeting minutes will be available prior to the next meeting. They will be keeping the public hearing open. She added that Comm. Harger would like to ask a question though.

Comm. Harger asked about this being a 10 year development and what would be their stages or phases – what would be the planning.

Atty. Bellis stated that he would ask A.J. Grasso to answer that.

Mr. Grasso responded that in regard to the Assisted Living Facility, they are currently working with a potential client and obviously, it would be back in front of the Commission with a Detailed Plan probably within the next several months.

Mr. Grasso commented that in regard to the residential end of it, he would anticipate that with any luck they would be clearing some trees and beginning the infrastructure work by year's end with thoughts of possibly being able to close 8 to 10 or 12 units next year and then probably 18 to 20 units with the years to follow that to get them through the 8 to 10 year period.

Comm. Harger asked if they would be concentrating first on the single family.

Mr. Grasso responded that he didn't think so.

Comm. Harger asked if he had to get his road system in...

Mr. Grasso responded that they wouldn't be putting the road system in its entirety to begin with nor will they be clearing the entire parcel in one shot as well.

Comm. Harger commented that in looking at their layout would they be starting at the Long Hill Cross Road and work inward or...

Mr. Grasso responded that he thinks that they would probably start at the LHCR and begin to work their way in from there.

Comm. Harger asked if that wasn't basically the single families.

Mr. Grasso responded that at the next meeting they will have a little bit more time and he'd like to address that possible connecting road and something that they think they'll have another to do that because that will affect how this is tackled.

Comm. Harger asked if they have the client in place for Assisted Living would it be done in conjunction with the residential (inaudible) project from the outside in.

Mr. Grasso responded yes, they would be working in conjunction with them certainly.

Comm. Harger asked if he meant working on the construction.

Mr. Grasso responded yes. He asked if there were any other questions.

With no other questions, Chair Parkins stated that she has questions but at this stage she would like to digest what has been presented tonight, reflected in the minutes, make her own notes etc. She really doesn't want to open this to the public until the Commission is done with their questions and comments. She asked for a motion to continue.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to keep the public hearing open for Application #13-17 until Tuesday, February 11, 2014 at 7 p.m.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to adjourn the meeting at 9:58 p.m.

Respectfully Submitted,

Karin C. Tuke
P&Z Recording Secretary