

**SHELTON PLANNING & ZONING COMMISSION**

**February 11, 2014**

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, February 11, 2014 at Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484. The Chairperson reserved the right to take agenda items out of sequence.

Commissioners Present: Chairperson Ruth Parkins  
Commissioner Nancy Dickal  
Commissioner Virginia Harger  
Commissioner 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](http://www.cityofshelton.org)

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

Chair Parkins called the regular P&Z meeting to order at 7:03 p.m. with the Pledge of Allegiance and a roll call of members present. She informed everyone that P&Z Commissioner Tony Pogoda and P&Z Consultant Tony Panico would be joining this meeting via Skype.

Chair Parkins told the audience that they have a long agenda for tonight's meeting and explained that they have two public hearings that will resume this evening. She reminded everyone of the public hearing procedures, cell phone usage during the meeting, and use of the sign-in sheet for individuals who would like to speak on any application during the Public Portion.

Chair Parkins indicated that depending upon how long the first public hearing takes, they plan on recessing the Hawk's Ridge hearing at approx. 8:30 p.m. and most likely they'll continue it on February 26<sup>th</sup>; therefore, if individuals do not have the opportunity to speak, they will certainly be given another opportunity on Feb. 26<sup>th</sup> when that hearing resumes. She stated that was the Commission's tentative plan for this evening because they also have many other things on their agenda.

Chair Parkins opened the hearing for Application #13-18 for Bishop Management of Shelton stating that it is a continuation from the 1/22/14 meeting.

**APPLICATION 13-18: BISHOP MANAGEMENT OF SHELTON FOR MODIFICATION TO BOUNDARY OF PDD #73 AND DETAILED DEVELOPMENT PLANS (GRADING PLAN), 781-785 RIVER ROAD (MAP 12, LOTS 11, 29 AND 43) (CONTINUED FROM 1/22/14).**

Chair Parkins indicated that at the last meeting, they were hoping that a resolution would be reached between the Applicant and the landowner. She added that Mr. Swift was smiling and she hoped that he had good news for them.

**James Swift, P.E. and Landscape Architect, Shelton addressed the Commission.** Mr. Swift indicated that he was representing the Applicant and commented that he was pleased to report that they do have such an agreement and since that was the result of the questions to the application, he would let Atty. Thomas discuss the agreement.

**Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission.** Atty. Thomas stated that he was representing the adjacent property owner, John Wardowski, 21 Turner Road, Shelton who is also present this evening.

Atty. Thomas indicated that this afternoon he and Mr. Soffan, the Applicant, have gone back and forth and finally as of today they have resolved an agreement. He indicated that they have agreement in an exchange of e-mails which he sent out to Mr. Soffan this morning and Mr. Soffan tweaked it and returned it. Atty. Thomas stated that later on he realized that it should be in writing so he typed it up without really changing any of the terms and conditions other than to add a reference to the fact that Planning & Zoning Staff would be consulting on the plantings; but other than that this is pretty much what they have agreed to. However, he represented that he emailed it to Mr. Soffan who earlier e-mailed him that he cannot be here this evening due to a family matter and he has not replied to this specific document. He added that he has given this document to the P&Z Administrator and distributed extra copies of the document to the Commission members.

Atty. Thomas commented that apparently on the property there have been some poles placed to begin the fence installation. The representation was that this is going to be a small opening page fence so their proposal is, if the Commission will accept it, that the Applicant shall install an 8 foot page fence with slats on the property. He read that Bishop Management will install along the border of the adjacent property known as 21 Turner Road. He added that certain portions of the fence appear to be installed too close to or on his client's property so the understanding is, and Mr. Soffan has agreed, that any portion of the fence not currently installed at the appropriate location will be relocated.

Atty. Thomas stated that the fence will extend the length of the property line provided that the opaque slats will not be necessary on the lower portion of the fence towards River Road. He added that as the Commission is aware, his client's property and the property of the PDD go out and then come down to River Road; there would be no need to put slats in as it goes through the wooded area. He indicated that between the fence and the property line with 21 Turner Road there will be planting of evergreens with a minimum height of 7 to 8 feet for the purpose of creating a hedge-like buffer. The location and specific type of plantings will be determined by the parties.

Atty. Thomas added and he stated to the Commission, in the language that Mr. Soffan has received – because it is a PDD, he stated that he added “in consultation with the P&Z Staff” – he reiterated that he added that language, but Mr. Soffan hadn't seen that language in the emails. He continued that the plantings shall be along the property line to the point of the existing forested area between the residents on 21 Turner Road and River Road. He reiterated that as it goes down there are already some trees there so there is no need to plant trees where there is the canopy. He added that Mr. Swift could tell them that evergreens would die if you planted them underneath the canopy.

Atty. Thomas continued that the Applicant or its successors assigned will be required to maintain the fence and the landscaping as a condition of the Modification of PDD #73; obviously, that is a part of any of their PDD requirements. Atty. Thomas indicated that along with other issues not related to the PDD, a resolution has been reached. He asked if there were any questions for him to answer.

Chair Parkins asked if the client wants slats.

Atty. Thomas responded that was the type of fence that Mr. Soffan was talking about.

Chair Parkins asked if it was the type with the slats.

Atty. Thomas responded yes...and he thinks at some point; obviously, the plantings are going to be 7 to 8 feet and they will grow, and the hope is, and he had some conversations with Mr. Swift today, and obviously an arborvitae type of hedge. He commented that since they don't have any deer – all the arborvitae in Woodbridge look like mop-tops – skinny up to the point where the

deer can't reach. He continued that the arborvitae growing to eventually 15 feet or so in their maturity would create a buffer which would probably block out the fence. He stated that Mr. Swift referred to them technically as "fat arborvitae" and that would be the appropriate thing but initially you would be able to see in between them at 7 to 8 feet; the hope was to make it opaque. There are already poles installed for this...

Chair Parkins asked if the fence that is currently up there – the black fence that was a temporary fence – she asked if something else is being put in its place.

Atty. Thomas conferred with his client that there was a temporary fence but asked Mr. Wardowski if permanent poles had been installed. He also asked if it was permanent fencing or just poles.

Mr. Wardowski responded (inaudible)...

Atty. Thomas restated that in some areas there is permanent fencing and permanent poles.

Chair Parkins stated that for aesthetic purposes from both sides, if they put slats in this fence which are known to deteriorate and need to be replaced at some point. She asked where the buffer would be planted – on what side because they want to make sure that they can access those slats to replace them if they need to be replaced.

Atty. Thomas replied that both the buffer and – he reiterated that he didn't go up there because he's afraid of heights – both the buffer and the fence are going to be on Bishop Management's site. The intention is that the fence will be placed far enough back on their property to allow the plantings in front of it.

Chair Parkins commented OK, in front of it.

Atty. Thomas indicated that if she is asking if someone is going to go out there and look to see if there is enough land there – they aren't going to get him to go out there and look. He added that he was afraid of heights so...he won't go near there. He stated that his understanding is that there is enough property between the property line although his client has observed that some of the poles appear to be – because most of the survey stakes are not down so they appear to be too close to or over the property line. He indicated that Mr. Soffan said that they would be relocated so he can do both.

Chair Parkins commented OK.

Atty. Thomas stated that was the whole point. They want it on the PDD so that it can be maintained in accordance with the PDD regulations.

Chair Parkins responded OK, so the trees and fence are both going to be on the PDD property but the trees are going to be closer to the property line than the fence.

Atty. Thomas stated that the trees are going to be in between his client's residence and the fence.

Comm. Dickal asked about the extension of the boundary and if there would definitely be no more blasting.

Chair Parkins responded that Atty. Thomas is representing the neighbor so ...

Comm. Dickal stated that she knows he is but ..

Chair Parkins stated that question needs to be addressed to the Applicant.

Atty. Thomas added that he doesn't represent Mr. Soffan so he has no idea about blasting.

Chair Parkins indicated that question would have to wait. She asked if anyone else had any questions for Atty. Thomas.

Comm. McGorty asked Atty. Thomas if the black fence with the tight mesh that was up would be going away.

Atty. Thomas responded no, he thinks that is the fence but maybe Mr. Swift can answer that better.

Chair Parkins stated that it has been up for weeks so that is why they were asking.

Atty. Thomas stated that he believes that is the permanent fence but to make it opaque...the conservation was to make it opaque.

Comm. McGorty responded OK, really.

Atty. Thomas added that to make it opaque he thinks that Mr. Soffan suggested slats and they discussed having them just in the upper area and when it when down away from his house going down the hill toward River Road there would be no need to put slats. He added that he thinks it would go through a forested area as it gets down farther.

Chair Parkins commented that she wouldn't quite say forested but trees. She asked if there were any other questions for Atty. Thomas and commented that the rest of the questions they have will be for Mr. Swift.

Comm. Pogoda (via Skype) asked for clarification that the height of the fence would be reduced as they go toward River Road.

Chair Parkins restated that Comm. Pogoda asked if the height of the fence would be reduced toward River Road. She responded that no, it will be the same fence height but there will be no slats – they won't be required.

Comm. Pogoda asked if they really wanted a 7 or 8 foot high fence near River Road.

Chair Parkins responded that it won't go all the way down to River Road.

Comm. Pogoda responded OK.

Comm. McGorty asked what the material used for the slats would be.

Atty. Thomas responded that he would have to ask them because it was proposed by Mr. Soffan and he didn't stress it.

Chair Parkins commented that they need to set a condition that they be maintained because those things can get really (inaudible)...

Comm. McGorty stated that they can get a composite (inaudible) rather than wooden slat.

Atty. Thomas responded that he certainly didn't think it would be a wooden slat but probably a type of vinyl. He added that Jim Swift could possibly answer that better.

Jim Swift, P.E. and Landscape Architect, Shelton responded that it would be PVC polyvinyl (inaudible)...

Atty. Thomas commented that his client just reminded him about a conversation he had with one of the workers on the site – and he had the same conversation with Mr. Soffan – that the fence would be spiked into the ground to prevent anyone from being able to get underneath it. He believes that is something that Staff has already mentioned.

Chair Parkins responded yes and she has it on her notes.

Mr. Swift responded to the question about additional blasting and stated that the application before them does not require any additional blasting per se; however, it does not mean that they may not need to clean up some areas to get the building in but what they are looking at tonight is not an extension of the blasted area.

Chair Parkins asked if it would have to be jack hammered or anything.

Mr. Swift responded yes, he added that he thinks that is what would be done at this point. If they have to clean off the face or a small pocket he can't say categorically that there is no blasting but 99% of the time there would just be hammering.

Comm. Dickal commented that her main concern is on this site over in this location, if there was to be anymore blasting, she doesn't want any more issues with what apparently happened the first time.

Mr. Swift responded that as he understands her question is whether the blasting face going to move and the answer is no.

Chair Parkins referenced a photo of the site and commented that there apparently seems to be two different types of wall material used. She asked if that was by design and if it was structurally different.

Mr. Swift responded yes, one is the actual foundation of the wall and the second material is a large pre-manufactured block on top of that.

Chair Parkins commented that one part is the foundation of that wall but that foundation carries over to the second segment.

Mr. Swift responded yes, he knows which part she is talking about and actually there are three different kinds – there is the original wall that they put in the corner which is all poured into place with a slip liner type of face.

Chair Parkins asked if that was the foundation.

Mr. Swift responded right and then when they discovered that the beautiful rock face that they saw at the back of the site had dirt behind it, they went for the second wall which extends the entire length behind the development. He added that is the one that has two different sort of materials, the foundation material and the material above that.

Chair Parkins stated that she believes that there was some mention during the first process of this material being tinted – the stone, the wall being tinted to match the rock.

Mr. Swift responded yes, he thinks it was.

Chair Parkins asked if it was or is going to be.

Mr. Swift responded that if it is...

Chair Parkins commented that she sees a white wall and a kind of tan rock. She showed Mr. Swift the photograph of the wall.

Mr. Swift responded that he would have to check and find out what the contractor had in mind there. He added that on occasion what they can do is take the actual concrete and put the color there.

Chair Parkins stated that she thought that was going to happen so they will have Staff follow up on that.

Mr. Swift responded OK, have Staff follow up on it because they can also stain concrete so he just isn't aware of whether that is pending or what.

Chair Parkins stated that was her understanding that they wanted to get the wall put in and then they would stain it or whatever they had to do but it obviously has not been done because this isn't even close.

Mr. Swift responded yes, he reiterated that he wasn't sure if it was the stain process or the (inaudible).

Chair Parkins indicated that the other question she has is if he could restate for them the benefits to moving the building 10 feet north.

Mr. Swift responded yes, the building as he said does not change in size and the parking lot configuration does not change in size. If this blasting on the north side of the site moved closer to their neighbor to the north, so that they have is a wider blasted area. He indicated that the rock is not as nice as they hoped it would have been so that intent to moving the building slightly is just to even out the building and the parking areas between the rock faces.

Chair Parkins asked if it was just to center the building within ...

Mr. Swift responded yes, between the two rock faces – that is correct. He reiterated that neither the parking nor the building area or any of the improvements moves off of the original PDD boundary.

Chair Parkins commented that if they are moving the building then they are also shifting everything so if the parking might be staying 25 feet wide or whatever it is, it is also moving 10 feet closer to the wall.

Mr. Swift responded yes, correct.

Chair Parkins asked if that is going to create any kind of, well, she stated she didn't want to call it a rock slide, but just things coming off of that ...

Mr. Swift responded that it is leveling out all of the different...it is getting away from the rock faces as much as they can.

Chair Parkins commented that they were pushing it closer to the rock face.

Mr. Swift responded yes, on one side but...He commented that he didn't have a scale on him but if they are 15 feet away on one side and 6 feet on the other side, they would rather be 7 or 8 feet on both sides.

Chair Parkins commented that she also wanted to reiterate about the fence that they don't want anything to be able to crawl underneath that fence. The rails have to be (inaudible)...have the bottom rails buried or something like that.

Mr. Swift stated that he believes that was a condition of approval that they have agreed to.

Chair Parkins stated that those were all the questions she had. She asked if the other Commissioners, including Comm. Pogoda and Mr. Panico had any questions.

Comm. Tickey asked what type of maintenance would be done on the fence and on the grounds – what type of maintenance measures be done.

Mr. Swift responded that there would be annual maintenance. They want to make sure that the integrity of the fence remains so they would check for erosion around the posts on an annual or other basis.

Chair Parkins added that it would be recorded in the Statement of Uses so that regardless of who owns the property, they will have to maintain what is up there including the landscaping.

Mr. Swift restated that the slats will certainly be subject to deterioration over time so they'll need to be replaced. He added that these fence posts can't be placed too close to the rock face, otherwise they're not really stable so there will be a few feet. It may not be an area of maintenance that you or I would like to go up there to replace fence slats, if there's only a foot of two, but there is some.

Chair Parkins commented that her concern was to make sure that the trees weren't going to be on the Applicant's side of the property because they wouldn't see when the slats start deteriorating or claim that they can't access them for replacement. She added that this has got to be an into perpetuity type thing that the fence and the landscaping up there has to be maintained. It is not just a one year thing if the trees die then they need to replace. This condition goes with the property.

Mr. Swift responded yes, he understands.

Comm. Pogoda stated that he had a question for Jim Swift. He asked if there would be any need in the future to put a wire type of a grid such as the one that Jim Botti had to put behind Dunkin Donuts on Bridgeport Avenue in case any rock actually splits off toward getting down (inaudible) and possibly falling on the cars or someone below. He added that he recalls that they made them put a wire mesh up on the top to prohibit that from happening.

Mr. Swift responded that it is certainly a possibility because the rock, as he already stated, was not as good as they hoped it would be. He added that he hopes that it is small enough and grainy enough that they won't have those large chunks but he can't discount that possibility. They would be back to the Commission if they had to take any further measures.

Chair Parkins stated that goes back to her point about moving it 10 feet closer to that wall.

Comm. Pogoda agreed.

Chair Parkins asked if they really want to move it 10 feet closer to a wall that they aren't sure about it.

Mr. Swift responded that the wall was not the problem. It is the rock faces and other areas.

Chair Parkins corrected herself and stated that she didn't mean the wall but the rock face.

Mr. Swift responded that the rock stability is...

Chair Parkins asked if it was the same on either side.

Mr. Swift responded yes, it is pretty much, pretty close.

Chair Parkins stated OK, it is a moot point then – they want to be in the center, OK. With no more questions from the Commissioners, she opened it up to the public again. She asked if there was anyone from the public that would like to speak on this proposal. With no one, she asked for a motion to close the public hearing.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to close the public hearing for Application #13-18.**

Chair Parkins thanked the applicants and moved onto the next continuation of public hearing for Application #13-17.

**APPLICATION #13-17: PETITION OF HAWKS RIDGE OF SHELTON LLC FOR PDD ZONE CHANGE, INITIAL DEVELOPMENT CONCEPT PLAN AND AMENDMENT**

**OF FUTURE LAND USE PLAN APPROVALS (54 SINGLE FAMILY DEVELOPMENT, 57 UNIT MULTI-FAMILY DEVELOPMENT AND ASSISTED LIVING FACILITY CONTAINING 196 UNITS), LONG HILL CROSS ROAD AND BEARD SAWMILL ROAD (MAP 39, LOT 14 AND 17 AND MAP 51, LOT 7), LIP DISTRICT (CONTINUED FROM 1/22/14).**

Chair Parkins stated that when they recessed the hearing on 1/22 they rushed somewhat through the traffic portion so she would like more detail on the traffic and then they will take questions from the Commission. She added that they have received a few letters of correspondence too; however, they are from members of the public so they will read them at the end of the public portion. She asked if there was any other correspondence.

Mr. Schultz responded (inaudible)...

Chair Parkins asked the Applicant if their Traffic Engineer was present.

**Atty. Steven Bellis, representing the Applicant, addressed the Commission.** Atty. Bellis responded that Joe Balskus was not present and had told them that up front. He couldn't attend tonight due to another previously scheduled public hearing.

Chair Parkins stated OK, but they really rushed through his traffic presentation last time because it was almost 10 p.m. that night.

Atty. Bellis offered to take any questions that the Commission would like to have Mr. Balskus answer.

Chair Parkins stated that he had made a comment about the two lanes – Mr. Balskus said that nothing had to be done to the two lanes coming up to the first light at the corner of Far Mill and Bridgeport Avenue. She commented that right at that junction, there are two lanes going into one lane and he is going to create the same situation at the next light so they are going to have vices going like this. She commented that she'd like to have him explain that to her because she is someone who drives that road every single day at 5 p.m.

Chair Parkins asked if they were planning on going into more detail on the roadway proposed inside the development.

Atty. Bellis responded yes, that he'll probably have to discuss that as well. There was some consideration about changing or deleting that main road.

Chair Parkins asked if he meant the connector road going through there.

Atty. Bellis responded yes, there were a couple of issues with it. One issue being (inaudible, no microphone...) and second the need for even having it...

Atty. Bellis, representing the Applicant, repeated that Mr. Balskus will address whether they even need that road or if any changes need to be made to the road, if they still need it – the internal road.

Chair Parkins asked, commenting that Atty. Bellis represents some other assisted living facilities, if he had any idea what the current occupancy is in the assisted living facilities that they have in Shelton and surrounding areas.

Atty. Bellis asked if she was referring to a percentage.

Chair Parkins responded yes, sort of like a hotel occupancy – how occupied are the assisted living facilities that they have. She restated and asked what the need is.

Atty. Bellis commented that for Benchmark at Split Rock that construction has not been finished and they are at 75% occupancy. This is pre-construction. He added that he is told that it is very

close to 100% occupancy once these facilities are up and running; there are overlaps when someone passes away, however, they are quickly filled. He offered to get other statistics but that is what he knows off the top of his head.

Chair Parkins responded no, it's OK, she just figured he might know because he represents them.

Atty. Bellis stated that yes, he knows that they are in demand.

Chair Parkins stated that she would let the other Commissioners ask questions because her other issues are based upon things already stated – Devil's Advocate type of comments.

Comm. Tickey asked what goes through the actual piece of land. He referenced the letter from Tom Harbinson of the Conservation Commission cited the potential to adversely impact the nearby Far Mill River. He added that in the minutes and the presentation they've seen the topography of the land.

Atty. Bellis indicated that Atty. Dominick Thomas represents the land owners, the Wells family and he'll let him address that because he is more familiar with it.

Comm. Tickey stated that his question is about the topography of the land which is certainly not flat and some of the comments made about how they would go about developing the land. He added that related to that is what has been cited by the Conservation Commission. He asked how it would affect the other elements that are in the land such as the Far Mill River.

Atty. Thomas responded that last night there was a Special Meeting – the meeting was cancelled last week due to the semi-weekly snow storm – he stated that they presented to the Conservation Commission last night addressing their letter. With respect to the topography, they recognize that this is a sloping piece of property. As Alan Shepard, P.E. explained at the last public hearing, to have to build something that requires you to be relatively flat would require cuts, retaining walls and everything else.

Atty. Thomas commented that in one prior proposal on a very small portion of it would have required the property to be leveled. He stated that one of the reasons is when you are doing commercial and industrial, especially light industrial, you need to be able to bring trucks in and out. He noted that while cars can go up little slopes easier, trucks cannot so it has to be pretty flat. Atty. Thomas indicated that they pointed that issue to the Conservation Commission.

Atty. Thomas stated that they addressed the issue, although Mr. Shepard wasn't present, so he and Mr. Grasso had to address the issue of the storm water. The Conservation Commission was very appreciative of the things that they mentioned to them about what Mr. Shepard is proposing is not only to purify the water, clean the water, to filter it but also to reduce the temperature of the water as it goes into the Far Mill River – only a certain portion goes in. Atty. Thomas indicated that he would leave it up to Alan Shepard to tell them which portion goes into the Far Mill. Some of it goes into the Route 8 drainage system that exists. The main wetlands on the property that are going to be all green goes down to Route 8. He reiterated that the Conservation Commission was appreciative of that.

Atty. Thomas indicated that they also pointed out to them that they could actually do the same thing if they built 3 or 4 industrial buildings but it would probably be cost-prohibitive because you would have to cool the water even farther because you don't have the natural trees you're able to plant and shade the roads and driveways such as you would in this type of a project.

Atty. Thomas stated that the other concerns the Conservation Commission had were that they wanted an inventory of some of the stone walls and trees and everything on the site. He commented that they explained to them that the intent was to tell which stone walls could remain exactly where they are would remain there; additionally, which walls had to be moved would be relocated. Atty. Thomas stated that he thinks Mr. Grasso pointed out that one of the relocated stone walls is going to demarcate the wetlands area. He reiterated that the Conservation Commission would like an inventory and they told them that they would do their best to create a

type of photo inventory of that and the trees. Atty. Thomas commented that not every tree can be saved but what mature trees can be saved they would also do an inventory of.

Atty. Thomas stated that it was also discussed the areas that would be kept green and things of that nature. One of the key points that Conservation made, and he thinks, as Atty. Bellis said, it will be addressed more fully at the 2/26/14 meeting when Mr. Balskus will be present, he stated that the Conservation Commission are not in any way, shape or form in favor of the thru road. They felt that the amount of disturbance to get the road from the upper level to the lower level was not in line with conserving the property. He indicated that they will address those issues next time. He concluded that they addressed every issue with the Conservation Commission last night and it was a very productive meeting.

Comm. Tickey responded thank you.

Chair Parkins commented that along those same lines, she knows the HVA (Housatonic Valley Association) does a lot of outreach and education to homeowners and anyone living along water lines or water bodies that run off from pesticides. She stated that naturally, if you have a homeowner's association, they are going to have lush landscaping which is currently up at Heritage Point, with all those pesticides and that sort of stuff running into the Far Mill River. She asked if that would be pushed through some sort of filter.

Atty. Thomas commented that the JD goes only so far – they'll have to ask a P.E.

**Alan Shepard, P.E. and partner in Nowakowski, O'Bymachow & Kane, 415 Howe Avenue, Shelton CT addressed the Commission.** Mr. Shepard responded that as far as the treatment and the surface of the system, the drainage system that they would be proposing out there will have biofiltration ponds and those biofiltration ponds will hold the water, especially the first portion where you get 95% of the runoff from anyplace on the land – the nitrogen and stuff like that.

Mr. Shepard explained that they will retain that water and overflow it; they will have a sediment area and overflow to a biosystem area that will be planted and then a filtration system. The part of the project that goes into Route 8 watercourse that goes down the hill will have that type of system or the main part...He stated that he should mention that there is little part that goes to Long Hill Crossroads (LHC) and they'll be having a pond down there which will have those features also. For upgrading they will have to put in drainage into LHC which they currently do not have.

Mr. Shepard stated that the main part of the project will have their collection system, the storm water system, and they will bring that down to the Wells Hollow Brook, the flat area down below. When they come down over the hill, they will have the drainage system staggered so that it is like a waterfall effect so from pipe to pipe it would drop down a couple of feet for each structure, each manhole so it will actually overflow going down the hill – like a waterfall, if you will, instead of most (inaudible...) going from invert to invert and have it running down like a raceway. He stated that by doing some small things like that and then at the bottom of the hill, again they would have a sediment area, the next part of that detention area. He commented that he loosely calls it detention because what they do is detain for the high intensity, short duration storms and not so much as the 100 year storm, when he was talking to the Town Engineer, because it is not so important. Mr. Shepard indicated that you get the high intensity on a short duration storm and that is where most of the run-off comes off so if they treat that and it will overflow and then they filter it for the last part – that will go a long way because the first 2" or 3" of rainfall is where they go most of their problematic run-off.

Chair Parkins asked if he was just talking about treating the area that he's proposing to develop – the housing section and if the assisted living would be dependent upon someone else.

Mr. Shepard responded that they'll notice on the plans, the assisted living he had another system area spelled out for the assisted living also. He added that would be a separate system.

Chair Parkins stated OK, he'll keep it separate but it is something there...

Mr. Shepard responded yes, they have something there too.

Chair Parkins asked if the other Commissioners had any questions at this point.

Mr. Shepard commented that Atty. Thomas reminded him to spell something out – what the system does is traps the pesticides so that they break down.

Comm. Osak stated that he had a question. He stated that he doesn't know who it was at the last hearing, whether it was Atty. Bellis or Atty. Thomas, representing some expert testimony, on the benefit to the City of this development and the tax revenue that would be generated as opposed to something out of the LIP zone. He commented that it led him to believe that what they were proposing was that residential uses on that particular piece of property which was designed to do other than residential, would be beneficial to the City. He asked if that was what was said.

Atty. Thomas (?) responded yes.

Comm. Osak commented that they sit as a Planning and Zoning Commission. Zoning is what happens today; the Planning part of their role is to think about what is to happen in the future. He indicated that they were talking about a horizon of 20 or 30 years from now. If they take their argument that residential construction and residential tax base on that particular property which is was not designated for would be beneficial to the City. He asked if he was to believe that any property that is not zoned for residences should be zoned as a residential far into the future and that their tax base should be comprised of simply residential construction. He asked if that was what they were saying. He asked for more explanation on it.

Atty. Thomas responded no – and what he thinks that he has to understand - that in the presentation, especially of Mr. Kerin and everything, especially in the experience, is that when you are looking at...He stated that the phrasing in the POCD was that economic development is the creation of wealth for the community. He added that the evidence is overwhelming that this creates more wealth than certainly, first of all – nothing. Second of all, when you are looking to the future, they aren't here to say that there will be no commercial or light industrial development in the future.

Atty. Thomas indicated that the real issue that they were trying to impress upon them is that commercial, industrial, and corporate office development has changed. It is not going back to the way it was. So for instance, in looking at a lot of the corporate office in the 1980's a lot of the tax revenue was generated by what was inside of it. He provided an example today, in that in the 1980's they would have a workstation in an office and most offices had 4 walls and a door or 3 walls and an opening. The workstation in there was valued at \$4500 or \$5000, it was depreciated. Nowadays, whether it is office or even light industrial, there are cubicles and the computer, if it is there, is valued at about \$499 depreciating or it is a laptop.

Atty. Thomas commented that he recently replaced his 7 year old laptop with a new one and with that laptop he works from home and next weekend when he is visiting his son, he'll work from there. The result of that is that it has shrunk the office. The same thing applies to light industrial so his position is not to say "every piece of property" because there are pieces of property in Shelton along Constitution Boulevard, along Forest Parkway that are, first of all, empty sites and there are also sites that can be built on, if they go up Constitution Boulevard, that are 35, 40 or 45 foot roads that can handle truck traffic.

Atty. Thomas stated that they have to remember that the building that once needed 100,000 square feet now needs 75 and that is because of technology and that is not going back. He thinks that the other thing that they presented in abundance is that there is a substantial amount of inventory, even some properties owned by the Wells family that can be used for commercial, industrial or corporate development in the future but when they consider the amount that is there, the amount of vacancy and the future, they aren't saying to rezone everything residential; however, they are saying to look at each site and they think that this one is much better suited.

Comm. Osak commented that just to follow up on the discussion, the highest value of taxable real estate that they have is in an LIP zone bounded by Commerce Drive, Bridgeport Avenue, Huntington Street and Trap Falls Road – and that underlying zone is an LIP zone. He recalled sitting in 1989 on the first Planning Review, he was a member, and the consultant at the time was a gentleman named Sam Fine [sic]. He added that many of you who have been around here a while may remember him although he has departed from the City. Comm. Osak stated that he remembered him telling them that they shouldn't do anything, anymore office because there was a glut of offices and there would never be any more office construction and that was in 1989.

Comm. Osak commented that in the next two decades after 1989, they added something like 9M square feet of office space in the area he just described. They have, in those areas, grand list additions of approx. \$3M to \$5M per unit of land – unit of land being an acre, structured parking in a 10-story office building doesn't take a lot of land but what lends an awful lot of taxable grand list to the City. He indicated that he just wanted to make that point.

He added that there is a question of patience here and they have, as a P&Z Commission, the planning side of their function requires that they have patience. He stated that patience to them is a virtue; to the land owner, patience is perhaps a mild form of despair, adding that he didn't really know if things don't go the way they want them to go. Comm. Osak indicated that they have a responsibility to think about the future and if they let every acre of land that is zoned other than residential to go to residential than the future for economic well-being for this town is somewhat squandered. He indicated that was the point that he wanted to make and he wanted to lay that on the record.

Atty. Thomas responded that he does not think that there is 9M square feet there. There is 2.8M square feet, he believes, according to the 1999 Route 8 Corridor Update. The area he just described contains 2.8M square feet; he doesn't believe that includes ...

Comm. Osak indicated that he stands corrected.

Atty. Thomas commented that he only says that because in 1999 he was retained by the Wells family to address the Route 8 Corridor Update that was part and parcel of eventually the zoning of many properties in the OPD zone. He stated that at that point, in accordance with the proposed OPD zone, the Wells property was laid out by Holt McChord [sic], a well-respected engineer and it was presented to the Commission at that time that you could actually double the size of their corporate population solely on the Wells property – not on this one site but the whole Wells property and that there were many other sites throughout Bridgeport Avenue.

Atty. Thomas stated that interestingly enough, and his point is that he isn't saying that they aren't going to office but between – and he can remember back to 1989, that recession and what people were saying – his point is that it is not that it isn't going to happen – it is that office and industrial have changed and they've changed primarily as a result of technology. He added that he thinks that is something that he thinks Mr. Kerin presented and they are more than welcome to have someone come up and tell them differently.

Atty. Thomas stated that they aren't going to zone everything – they aren't going up to some of the parcels adjacent to Ivy Brook, for instance; although, they have put a similar type of adult residential right in that area. He stated that one of the recognitions even in their POCD is that adult-oriented types of residential communities do provide wealth. They don't have to be age restricted; they do provide wealth. They have shown them evidence.

Atty. Thomas indicated that the other thing he would like to point out is that, he thinks since 1989, and someone can correct him if he is wrong, but in this area off of Bridgeport Avenue, there have been two office buildings built – Health Net and Energizer – because he thinks that in 1989 or early 1990 the Corporate Towers were already built.

Someone (unidentifiable) responded no...

Atty. Thomas responded OK, then after they were constructed in the early 1990's, the only two buildings that were constructed were those two – specific tenant-oriented buildings.

**End of Tape 1A 8:43 p.m.**

He stated that other thing, and he thinks this goes to the quality of the planning that was done and everything, one of the seminal corporate developments which began as Richardson-Vicks has transformed itself two or three times. Every time someone leaves, someone comes back in there. He thinks that is something to remember - that they have quality office space and people keep coming in but one thing he thinks that they tried to point out and he hopes they understand, the nature of that office space has changed. There is no more corporate buildings with 5 star – for anyone who had the luxury to eat in the Richardson-Vicks cafeteria like he did a couple times - there are no more 5 star cafeterias so it has changed.

Atty. Thomas indicated that their point from the Wells family is this, this site is not conducive to LIP, it is not conducive to truck traffic, it is not conducive from a topographical point of view and it will generate wealth a lot quicker. They would never be able to put anything on there, short of a nuclear power plant that would catch up to this if it were developed 10 or 20 years down the road. He stated that you never catch up and get that money – that is their basic point. He clarified that it wasn't that you never do it but it is just that it has changed.

Comm. McGorty stated that he thinks it is to the point from a comment made in the last hearing that there is available inventory out there and when you can pick up buildings at 40 cents on the dollar and you can make them beautiful, you do it cheaper than you can constructing a new building.

Atty. Thomas responded that Bill Bassett said it the best, at a meeting they attended for a non-profit that they are on. Atty. Thomas indicated that he told him what the Bassett property had sold for, and he stressed that the building wasn't just a metal light industrial building but a high quality light industrial building with offices, warehouse and manufacturing, and when he told Mr. Bassett that it sold for \$40/square foot, he was stunned. It would take \$200/square foot to go out and buy a piece of property and build something like it.

Chair Parkins commented that she thinks that they saw the same thing hit with real estate. She stated that everyone in this room who owned real estate saw their house values go down when the market tanked. She asked if this was cyclical because they don't have a crystal ball. She added that they don't have a crystal ball and she wishes that Mr. Kerin was present because they obviously read the same newspaper. She stated that Mr. Kerin cited a couple of articles about manufacturing being dead; however, the articles she is reading basically say that while office space is dead, manufacturing and warehouse is coming back. She reiterated that she is reading the same paper.

Atty. Thomas responded certainly, yes, manufacturing can come back but the manufacturing facility that required 100,000 square feet now requires 50 because the design people are sitting in front of a laptop in some other office designing on a 3D printer. His point is that it isn't that it isn't going to come back. He commented that it isn't much different in talking about houses. Houses are going to be the same. The big argument right now is whether McMansions are coming back. Many people say that they won't but there are still people out there who will buy them.

Atty. Thomas commented that when you are in business and you can buy an existing building and renovate it for \$40/square foot – unless you are a Mexican drug lord trying to launder money, you are not going to buy something and pay \$200/square foot.

Comm. Osak jokingly responded that laundering money is not a permitted use.

Atty. Thomas responded yes, he stands corrected. However, that is his point – it is not a question of whether it is coming back like real estate. With real estate, a place to live is a place to live...

Chair Parkins stated that obviously he keeps abreast of what goes on in Shelton. They just had a manufacturing firm relocate to Long Hill Crossroads from Stratford about a month ago because they wanted to expand so they are in the process of purchasing a building – buying it so that they can move their operation from Stratford to Shelton.

Atty. Thomas responded yes, but they bought an existing building and when Better Packages moved out, they bought an existing building that they could renovate. When the developer wanted to be able to market property to light industrial, they bought the Bassett building at \$40/square foot. He added that the other thing is this – if you want to buy and build, why wouldn't you buy and build along the inventory that exists on Constitution Boulevard where they have a 50 foot road, pretty level areas and you don't have to worry about leveling properties to get trucks in and out? Atty. Thomas commented that those are all the issues that they pointed out. The fact of the matter is that this piece of property, from a physical perspective, is not suited for that type of work because you have to level it so much and you don't have good truck access.

Atty. Thomas stated that the other problem is that if you are saying that in 20 years somebody is going to build a trail mix warehouse here and generate about \$50K in taxes – you would never catch up to the wealth.

**Mr. A.J. Grasso, partner, Hawk's Ridge Development, Shelton addressed the Commission.**

Mr. Grasso stated that one of the things that this Commission has to take into consideration as well is that in the last 20 years in the City of Shelton there have only been three new LIP buildings built. There hasn't been a new LIP building built or any new construction on LHC since 1983. Mr. Grasso commented that the road width in front of the piece of property that they are discussing here, is 25 ½ feet wide. The road inside the development would be 26 feet wide.

Chair Parkins responded that trucks currently get up there – up LHC.

Mr. A.J. Grasso stated that there has not been any interest in purchasing, buying or building anything there since 1983.

Comm. Osak told the Chair that he had no further questions. All he wanted to do was lay on the record that there is a future and they have to prepare for the future and they cannot squander what resources they have for low tax producing development. He added that they have to cope with that issue.

Chair Parkins commented that she was just playing Devil's Advocate because there are always two sides to things, such as these news articles. It really depends when you are reading it, the slant that you want to put onto it, which is why she would have liked to question Mr. Kerin a little further; however, it is OK.

Atty. Thomas stated that he had one more response to (inaudible) and this is what public hearings are for. He indicated that they have presented their evidence and asked to let someone else come in such as a commercial real estate expert, planner, whatever, let them come in and explain. He added that this was not a low tax generating project. They presented it to them with the numbers. He reiterated that unless someone comes in and contradicts them on the net tax revenue to the town and explain to them how holding on to this property for 10 or 15 years is going to create wealth because ...he asked them to remember if they are talking about...he commented that just as there are two sides to that news article, you could see two sides of the POCD. Atty. Thomas indicated that the POCD states creating wealth in the community. The point is that they should bring someone in to show how doing it another way would create wealth for the community.

Atty. Thomas commented about what was said regarding the landowner's impatience, he stated that patience is one thing but extraordinary patience with no evidence to back it up is called confiscatory zoning.

Chair Parkins responded that they have had quite a bit of patience for many, many years.

Atty. Thomas stated yes, right but he's talking about the landowner's patience.

Chair Parkins responded yes, that is what she was talking about too.

Comm. Dickal asked a question about how many houses have been built in the City of Shelton in the last two years and how many have been sold.

Atty. Thomas responded that he thinks that they can get her building permit information because it is public information.

Chair Parkins stated that Rick Schultz puts that information in his monthly P&Z Reports. They don't know if they have been sold but (inaudible)...that know they've been built.

Comm. Dickal stated that she was trying to say that if they are going to be building more houses and the houses that have already been built, if it has been slow, then how do they guarantee that these houses will be purchased because in this part of the country the housing market is very stagnant.

Atty. Thomas responded that it is stagnant based on location. He added that he thinks if she looks at the adult-oriented communities that they presented last time, there is a certain amount of turnover but they are pretty much full. They are smaller designed houses for adult active with no swing sets, no pools, that would attract those type of people. Those types of houses have been very successful; he can guarantee them that the developers would not be going into it if there was not a market for it. He added that was something that Mr. Kerin pointed out. They aren't going to have any trouble if they look at the existing developments they've done and others have done, Mr. Scinto has done, they have sold and resold easily even in the recession – those kind of properties.

Comm. Dickal stated that she knows there is definitely occupancy in some of those developments.

Atty. Thomas asked which developments she was referring to.

Chair Parkins asked if she means vacancies.

Comm. Dickal commented yes, vacancies like in Avalon and where Scinto has things, there are definitely vacancies.

Atty. Thomas responded that he didn't know about Mr. Scinto's but Avalon Huntington to his understanding is 95% occupied, which for a rental property is basically 100%.

Chair Parkins stated that is a different market anyway, that is rental.

Mr. Grasso stated that the most recent development that is similar to what they are doing is Cranberry Estates and he believes that they sold the 40 units in a little over 30 months - to give them a idea of what the demand is for this.

Chair Parkins stated that with no further questions or comments from the Commission, she opened the hearing up for the Public Portion. She reminded the audience that they have a lot of people here speaking and they are going to try to go until 8:30, 8:45 p.m. at the latest; she asked people to confine their comments to not repeat what a previous speaker has said. Additionally, she asked them to confine their comments to the fact that this is a public hearing for a zone change and not a testament to anybody's individual greatness. She commented that they know that the developers are very good people, long time Shelton residents but they need to focus on the purpose of the this hearing which is for the zone change that is being proposed.

Chair Parkins asked anyone else wishing to speak to sign up on the sign in sheet.

Comm. Pogoda indicated that he lost his visual transmission. Mr. Schultz corrected the issue.

**Joan Flannery, 8 Partridge Lane, Shelton, CT addressed the Commission.** Ms. Flannery stated that she was here with two faces – her own and Irving Steiner, who could not be here tonight. Ms. Flannery indicated that she had a long discussion with him and he's sorry he couldn't make it but he wanted to make sure that she was here representing We Are One on his behalf.

Ms. Flannery stated that We Are One was established many years ago to make sure that their neighborhood, which is zoned one acre per house with their own wells and their own septic systems, would be continued in the property that adjoins theirs. Unfortunately, they have come to these hearings and that has not been the case with Cranberry Estates being an example but they are still putting up the fight and they still believe that one house on one acre is the correct way to zone anything. She indicated that if this property was to be rezoned, they believe that it should be one acre per one house with their own well water and their own septic.

Ms. Flannery commented that they already had the WPCA person come here and he said that they were having problems handling the sewers. She knows that the houses being proposed now would be a zone change and would have to use the sewer system. The WPCA person said that right now they can't handle it and it does not make sense to add more sewage; he said OK that he had to sign a paper saying they could do it so they'll have to upgrade the system but really it does not make sense to do it. The sewer system really has to be upgraded first. Ms. Flannery indicated that Irv Steiner's point is that the system really cannot handle this zone change.

Ms. Flannery stated that Mr. Steiner also wanted to make sure that you know this will increase traffic on Bridgeport Avenue and Old Stratford Road. She commented that she was laughing at the last meeting when they showed a map and said that on Old Stratford Road the cars go by at a rate of one minute, one car. She reiterated that she was laughing at that because it is a big joke. When she tries to come onto Old Stratford Road from Daybreak Lane, it is one car per second, not per minute and you are sitting there, and sitting there, and waiting, and trying to get out. She stated that their traffic study was incorrect.

Ms. Flannery commented that Irv wanted it pointed out that they will be paying taxes for the school children who will be in these houses. Maybe it will be only 50, or 20, or 10 or 100 – you don't know and right now the Baby Boomer's kids are having kids. She indicated that her son has a 3-year old and 1-year old; her daughter's friends all have babies born this year or 1-year olds. They are coming, the kids are coming, and the schools are going to get overcrowded starting in another 5 years. She indicated that those were Irv's comments.

Ms. Flannery stated that she wanted to talk about how there is going to be a lot of available housing at Planet Fitness which isn't even built yet, Avalon is not filled, and also the project downtown that isn't finished either. She indicated that they need to concentrate on the buildings that were not built yet or just recently built and have them filled up. She especially doesn't want to take away from downtown and she knows that Mr. Perillo also talked about this. He wants the downtown projects built first and don't take away from them. Building downtown Shelton and that is number one.

Ms. Flannery stated that this is 41 acres of land and she recommends that it is zoned for 41 houses, separate houses with their own sewer system and well water and that would be best for the neighborhood and best for the City. They would not have to over pollute the sewer system that they already have. There would be less traffic because there would be less cars. She asked them to remember that there are two cars per household and you are talking about 600 cars maybe 300 cars for what they are proposing. If you have 41 houses it would be 82 cars. There would be less air pollution, less fumes, less noise. One other point she wanted to make which she was insulted by was how they are saying that the people in her neighborhood have Route 8 "so you are used to it anyway so what's with a little more traffic and noise." She commented no, all of her neighbors bought their houses in the 1960's before Route 8 was built. It was surrounded by farmland and now they have to put up with more noise from Route 8, and more fumes, and more pollution that they didn't have when they bought their houses in the 1960's so to say that "oh well you're already in the neighborhood with all the traffic and noise and

pollution” – that isn’t when they built their houses. Their houses were built and bought in the 1960’s before Route 8.

Ms. Flannery stated that she agrees with Tom Harbinson with all the comments that he said that night and thank you very much.

Chair Parkins stated that there were a few folks who signed up at their last meeting so she wanted to go through that list to see if any of them were here in the audience tonight. She read names Joan Nachasec (sp?), Tom Wells, Ingrid Waters, John Anglace, Bill Kupinse , Bill Banfe. She asked them to raise their hands so she could automatically put them on the list to speak again. She added that she just wants to make sure that no one is forgotten.

**Thomas Wells, 10 Great Meadow Road, Seymour, CT addressed the Commission.** Mr. Wells stated that he was representing the Wells family. He indicated that their mother and father had six children and three of them are here tonight, two of his brothers have passed on, they have a sister in New Jersey and two sister-in-laws that are all a part of the estate. Mr. Wells added that they are all now in their 70’s and 80’s.

Mr. Wells stated that when their mother died on June 30, 1999 they agreed with the IRS not to sell the acreage in the estate for 10 years due to tax considerations. On June 30, 2009, they were free to sell the property which is now almost 5 years ago. He added that he wanted it to be known to the community that Toll Brothers approached them in 2010 with an offer that they accepted and they began laying out the area for 240 single family homes but found that the layout was difficult due to the City pipeline or sewer line coming directly through the property. Also, there is a high pressure gas line on this property which makes it difficult to layout; the topography makes it tough to layout so after looking at other properties, Toll Brothers withdrew their offer because it was going to be too tough of a site for them to handle.

Mr. Wells commented that when Toll Brothers withdrew, they signed an agreement with CBRE, who have handled a lot of properties along Bridgeport Avenue from the standpoint of commercial, office, industrial and so forth. He commented that he has a letter dated 2011 from Michael Dillon, the Vice President of CBRE, listing over 300 property owners that they contacted throughout the State of Connecticut and probably some even out-of-state to see if they could generate some interest in office buildings, light industrial, hotels, etc. and it didn’t happen. Mr. Wells stated that they heard nothing for several months until Joe Salemme came along and approached his brother, Royal and told him that he was interested in residential development.

Mr. Wells indicated that there is a key point here – he stated that they have 41 acres here. There is still 150 acres LIP and commented that he hopes everyone hears that. There is still 150 – but they’re worried about 41 acres when there is another 150 that could be developed into hotels or light industrial or anything else they want. Mr. Wells commented that he really wanted to make that strong point.

Mr. Wells indicated that Joe Salemme made an offer on behalf of Hawk’s Ridge and the family accepted this is 2012. The Wells family believes that Joe and his professional staff have done an excellent job of laying this out. The family has gone over the layout, they like the layouts and what they have agreed to do is to partially finance this development – he reiterated that they are putting some of their money into because it is nice. He added that it wasn’t going to affect the 10 acres down below where the farm is and it isn’t going to affect the 122 acres across the street, or the 17 acres from Crown Point all the way down to the farm. Mr. Wells stated that this is 41 acres up on top of the hill that nobody is even going to see until they develop it into a beautiful layout like they’ve proposed. Mr. Wells stated that he hopes that some of them get the message here – they still have loads of land.

Mr. Wells commented that the developers here at the last public hearing pointed out to everybody what is available with commercial, industrial and land not even counting their 150 acres that is still available. He addressed the members of the Commission and indicated that they are getting a little bit old and on the behalf of the Wells family, they respectfully request that they approve this development. It is going to be beautiful and there are going to be a lot of

taxpayers paying money to the City of Shelton and they will be proud of it too, if you approve it and it is completed. Mr. Wells added that this is going to be a long time development. It isn't going to be done overnight like this lady who just spoke about them having to put the sewer system in right away before it can be approved – this is a 10 year development. This is going to be long time, there is going to be employment – he concluded that he wouldn't be around at the end of 10 years but they're going to have a nice development in the City of Shelton if you approve this.

Many audience members applauded Mr. Wells' comments.

Chair Parkins stated that her only comment was that she would hope that he will still be alive in 10 years.

**Ingrid Waters, 261 Long Hill Cross Road, Shelton addressed the Commission.** Mrs. Waters indicated that she agreed with everything that Mr. Wells just stated, adding that she thinks he made a fine speech and she agrees with what he said.

Mrs. Waters commented that she lives on Long Hill Cross Road and for her it is of great importance what developments go into this part of Shelton. She is pleased that the Applicant listened to the concerns that residents voiced during the first Hawk's Ridge public hearing of May 2013 and therefore, reduced the density of the application significantly. She finds many things noticeable. The Applicant is preserving the beauty of these 41 acres of untouched farm land by carefully placing the 54 single family homes and 57 condominium townhouses into this pristine landscape. The 196 unit assisted living facility is separate but also fits well with its surroundings. The layout of this development looks really attractive and does not give the appearance of being crowded and the many stone walls and existing trees will be retained adding to its charm. Since this upscale adult residential community would be owned by a private association it will put few demands on City services which is... (inaudible, radio frequency interference)

Mrs. Waters commented that the tax revenues that this project will generate are very impressive and in comparison to LIP usage which is another big (inaudible) to the City of Shelton. When considering the applicant's request for a zone change from LIP to PDD, she thinks that it would be wise to grant an exception at this time (inaudible) and deviate from the guidelines of the City's 10 year Plan of Conservation and Development due to the fact of how the business climate in Connecticut has changed since (inaudible) in 2008. Companies have left Connecticut in order to operate cheaper overseas or in more business-friendly states and most likely won't come back. Unfortunately, even Shelton is presently (inaudible) empty office buildings and some of them are in the Long Hill Cross Road area so when this applicant is requesting a zone change from LIP to PDD in order to create and include residential, condominiums and a separate assisted living an outright denial would be unwise due to the aforementioned (inaudible)...

Ms. Waters commented that it is her firm belief that Long Hill Cross Road cannot take on additional commercial traffic should the Wells property be developed as LIP. This narrow, winding, country road was declared a connector and carries heavy through traffic especially trucks and tractor trailers most of the day. Consequently, it would be better (inaudible) for this part of Shelton to develop the property as residential PDD in order to prevent an increase of commercial truck traffic on Long Hill Cross Road and the Bridgeport Avenue corridor.

Ms. Waters stated that Hawk's Ridge, as it was presented today, gives the impression of a green oasis and will serve as a buffer zone against adjacent high traffic areas, especially since 1/3 of this development is set aside for green space. It is commendable that the Applicant will be employing a workforce comprised of local craftsmen who will be guaranteed steady jobs for the duration of this \$100M residential and assisted living project. This action alone speaks for the goodwill of this developer and his aim to be a good neighbor.

In closing, Ms. Waters pointed out that taking into consideration the weak economy that shows no sign of recovery it would be unfair to expect the Wells family to wait for the economy to improve in the distant future when they have a buyer right now. Furthermore, this farm land is

not sitting on level land and would be difficult and costly to develop as LIP because its topography differs from one acre to the next, which might be one reason why the Wells family was not able to sell this tract of land as LIP to date.

Ms. Waters stated that she believes in the sincerity and goodwill of this Applicant and asks the members of this Board to view the Hawks Ridge application favorably and approve this project as requested for PDD development because there is no question in her mind that this \$1M project will be a win-win deal for the City of Shelton.

**Atty. Bill Kupinse, 1087 Broad Street, Bridgeport CT addressed the Commission.** Atty. Kupinse stated that he was representing Honey Cell Inc. which is the operating company to the west of the property under consideration and Far Mill, LLC which is the owner of the property. Atty. Kupinse indicated that their concerns have been that they want to be able to continue their manufacturing process there. They have had discussions with the developer and they are satisfied that the development will not impact their operation and they support the development for that reason. He thanked the Commission.

**Ed Dobransky, 10 Freedom Way, Heritage Point, Shelton addressed the Commission.** Mr. Dobransky commented that a lot of what he wanted to say has already been said and he certainly endorses this development, Hawk's Ridge. He added that he spoke at an earlier meetings about this. Mr. Dobransky indicated that he wasn't a financial analyst but it seems to him that the tax base of the City of Shelton would be increased, obviously, by the number of residents that would come in but even in the long range of the building of this project, the amount of work that would be given to local craftsmen is something that should be kept in mind.

Mr. Dobransky stated that he and his wife are residents in Heritage Point which this developer put up and they came to know many of the craftsman that he employed. They were his own former classmates, residents of this community and he thinks that it is a good part of what it means to be wise in making good decisions. It is not an outside contractor or someone coming from across the country; he would be bringing in his own people and these would be local people guaranteed the work and certainly spending their money within the community.

Mr. Dobransky commented that Heritage Point is a unique community and he thinks that Hawks Ridge would be the same. Heritage Point has 40 homes, 40 families ranging in age from young people and not so young people such as himself. They get along well and community building is part of what brought them to Shelton and will bring a lot of other people to Shelton. He endorsed this project from his own practical knowledge and would hope that the Board would also endorse it. He thanked the Commission.

**Ted Chmielewski, 72 Oronoque Lane, Shelton addressed the Commission.** Mr. Chmielewski stated that in 1985 he was honorably discharged from the U.S. Army Rangers and employed at Fairfield Lumber where he received his CDL to drive commercial tractor trailer trucks. In 1991, Fairfield Lumber lost their business and his was forced to work for Roadway Trucking. He drove trucks, pedaled freight from Bridgeport to Waterbury and there is no worse nightmare for a trucker than to back up to a hilly side in this snow. Mr. Chmielewski stated that the Chair had said herself that she drove at 5 p.m. at the bottom of Long Hill Cross Road/Bridgeport Avenue where there is a business located there and asked if she had ever been stuck at red light when a tractor trailer is trying to back into that business at the bottom of the hill. Everybody starts blowing their horns....

Chair Parkins responded yes, actually she has been and asked if that was his truck...

Mr. Chmielewski commented no, he still has a license but doesn't drive anymore; that is a trucker's worst nightmare there though – car horns beeping while trying to back a truck in; if they would just give the guy five seconds to back the truck in and be done.

Chair Parkins commented that she didn't know if it was legal for him to park there but that's a whole other story.

Mr. Chmielewski responded that they don't park there, they are trying to back in. He stated that when you are heading south on Bridgeport Avenue, taking a left hand turn onto Long Hill Cross Road, the green arrow is only four seconds. There are only 4 seconds to take a left hand turn before everybody starts coming up. Mr. Chmielewski stated that somebody tonight quoted something about 82 cars creating pollution and asked them if they knew how much pollution one tractor trailer truck creates in 5 seconds.

An audience member, Joan Flannery commented that she said instead of 600 cars.

Chair Parkins asked Mr. Chmielewski to direct his comments to the Commission not to any audience members.

Mr. Chmielewski apologized and stated that one tractor trailer idling for 5 minutes creates more pollution than he thinks 82 cars do.

Ms. Flannery commented that she wasn't comparing it to 82 cars.

Chair Parkins asked Ms. Flannery to please stop speaking out of order.

Ms. Flannery responded that he was misquoting her...

Chair Parkins asked her again to stop commenting.

Ms. Flannery commented that he was misquoting her. She was comparing it to the resident (inaudible)...

Chair Parkins told Ms. Flannery that she would have to ask her to leave if she doesn't stop interrupting the people who are speaking.

Ms. Flannery responded that he was the one who looked at her.

Chair Parkins told Ms. Flannery this was her last chance to stop.

Mr. Chmielewski apologized for anything he did. He continued that eight years ago he was introduced to the builder. He is one of his subs and trimmed almost every house with some colleagues of his at Heritage Point. He stated that there were many jobs given to local residents including Housatonic Lumber, who he's sorry aren't around anymore, they supplied all the material. There are a lot of jobs that are at risk if this development does not go through.

Chair Parkins asked if he was in favor of the project, adding that she wasn't quite sure where he was leading up to.

Mr. Chmielewski responded yes, he was absolutely in favor of this development.

Chair Parkins asked if there was anyone else in the audience wishing to speak in favor or against this proposal. There were no other comments. She stated that there were three letters from residents to be read into the record and she asked P&Z Secretary Harger to read them.

**\*See attached email correspondence to Richard Schultz, P&Z Administrator from Eric McPherson, 2<sup>nd</sup> Ward Alderman dated 2/11/14.**

**\*See attached letter to Richard Schultz, P&Z Administrator from Catherine Conte dated 2/5/14.**

**\*See attached letter to Richard Schultz, P&Z Administrator from Regis Dognin dated 2/11/14.**

Chair Parkins asked again if there was anyone in the audience wishing to speak for or against the proposal. There was no one. She asked if any of the Commissioners had any other questions as

of now. There were no further questions or comments. She added that they will be back with Traffic Engineer on the 26<sup>th</sup> and to answer a few more questions. With no further questions or comments from the Commission, she requested a motion to continue this public hearing.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to continue the public hearing for Application #13-17 and resume on February 26, 2014.**

Chair Parkins indicated that they would take a five minute recess.

**Recess 8:43 p.m. – 8:51 p.m.**

Chair Parkins resumed the meeting at 8:51 p.m. with Old Business and Applications for Certificate of Zoning Compliance.

### **OLD BUSINESS**

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

Chair Parkins took items out of sequence to accommodate individuals who were present in the audience.

### **SEPARATE #434: GRACELAND BUILDERS LLC, 90 OLIVER TERRACE, CANOPY OVER SLAB**

Mr. Schultz stated that this application is for the construction of a canopy over an existing slab to the rear of the building located at 90 Oliver Terrace, Winter Brothers. At the last meeting, the Applicant received an approval for an office addition. This is a 75' x 79' canopy roof and John is here to answer any questions. It is pretty straightforward.

Mr. Schultz asked the Applicant if this canopy was to protect the vehicles from the elements.

**John Paoletti, Graceland Builders LLC addressed the Commission.** Mr. Paoletti responded yes, it is a tipping area, it is actually a (inaudible) canopy for (inaudible) such as cardboard, plastic, paper. The canopy over the area would be used to keep a dry environment, keeping it clean and also for safety.

Chair Parkins asked what the design would be that would keep it down in the event of hurricane force winds, snowfall, heavy ice on the roof so that it doesn't flap or blow off.

Mr. Paoletti responded that it was going to be (inaudible) from a company out of New York and it's a steel engineered building.

Chair Parkins asked if this was a building or just a canopy.

Mr. Paoletti responded that it was a steel structure engineered to (inaudible)...

Comm. Dickal asked if it just had a flap over it or does it have sides.

Mr. Paoletti responded that it has two sides, a rope and it is open on both ends.

Comm. Harger commented that this is almost 29 feet high. She asked what type of vehicles did he expect would need something that high.

Mr. Paoletti responded that this is used for their trucks that are coming in that have dumpsters, and payloaders for unloading material.

Comm. Harger commented OK, so they are raising up the back of the trucks.

Chair Parkins asked if Mr. Schultz if he knew about the types of footings and (inaudible).

Mr. Schultz responded yes, it is pretty straightforward.

With no further questions, Chair Parkins asked for a motion to approve.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #434.**

**SEPARATE #6626: MARK WOOLLARD, 40 HUNTINGTON STREET, BUSINESS & SIGN**

(inaudible ...radio frequency interference...)

**Josh Elliot, on behalf of Mark Woollard addressed the Commission.** Mr. Elliot indicated that this was previously Beechwood Market.

Mr. Schultz stated that this is for the Beechwood location and it is 6,800 square feet, 15 employees, hours of operation 9 a.m. to 8 p.m.

Chair Parkins asked if this was 7 days a week.

Mr. Elliot responded yes, but Monday is 8 a.m. to 8 p.m.

Chair Parkins asked about the number of employees.

Mr. Elliot responded 15 to 20.

Chair Parkins asked if they were all full time people.

Mr. Elliot responded part time and full time.

Chair Parkins commented that the employees will park in the back.

Mr. Schultz asked the Applicant to explain a little bit about the business, The Common Bond Market.

Mr. Elliot responded OK and stated that they actually own a store in Hamden called Thyme & Seasons which is a small, independent natural foods store and they've owned that for about 17 years and they want (inaudible)... It is owned by an LLC (inaudible) the three of us including my mother and Mark Woollard, her fiancé. They will be selling (inaudible) food and produce, and a range of natural items. He added that his mother describes it as a smaller Whole Foods.

Chair Parkins asked if he had groceries, dry goods, meats, fish, vegetables...

Mr. Elliot responded yes, everything.

Comm. McGorty asked if there was a sign there.

Mr. Schultz responded yes and showed the rendering to the Commissioners.

Comm. Tickey stated that they've done a beautiful job with the outside of the building.

Mr. Elliot responded that is actually the landlord's (inaudible) and it is not even halfway done yet.

Comm. Tickey stated yes, he drives by it many times a day. It is very nice.

Mr. Elliot commented that it is going to look really good.

Chair Parkins stated that in the event, in the future, if they want to have any kind of tables outside for people to have a sandwich or whatever than he has to come back to the Commission for approval. She added that he cannot just put out tables and chairs out there because they do have guidelines about that.

Mr. Elliot responded OK, sure.

Comm. Pogoda asked a question about the sign, its dimensions (inaudible)...

Chair Parkins asked Comm. Pogoda if he was able to see the sign rendering.

Comm. Pogoda responded yes, he has a copies of it but (inaudible)...

Chair Parkins stated that Comm. Pogoda's question is whether they were planning on plastering all kinds paper signs (i.e. "roast beef \$3.99/lb...") all over the window.

Mr. Elliot responded no, absolutely not.

Chair Parkins stated OK, definitely not. She told the Applicant that they do also have sign regulations because there can be no more than a certain percentage of windows that can be covered with advertising. She asked Rick Schultz what that percentage was.

Mr. Schultz responded that they ask it to be below 50%.

Mr. Elliot responded that they won't be doing anything even close to that.

Chair Parkins commented yes, with this nice sign...

Comm. Harger asked if the sign was going to be lit.

Mr. Elliot responded that the sign will be lit.

Comm. Harger asked if it would be interior channel lights.

Mr. Schultz stated that it would be internally illuminated.

Mr. Elliot responded yes, correct. He added that all of the signs are down right now.

Chair Parkins asked where the sign would be positioned – up on the top.

Mr. Elliot responded that he just spoke to the landlord today and they don't like the positioning that is set up there because they don't want it blocking the window; therefore, it will either be on the brick face (if you are facing the front) to the right or they can see from the picture, it would just be higher up with the bottom of the logo being parallel to where the top of the window is or the top of the arch. He added that it would be one or the other.

Comm. Harger asked if they were locked into this circular type of design.

Mr. Elliot asked why and what her thoughts were.

Comm. Harger stated that the top of the building lends itself to more of a horizontal sign.

Chair Parkins stated that if it is put on the brick though – it will probably look really nice on the brick.

Mr. Elliot indicated yes, he thinks on the brick it will. He added that he thinks it will be fine wherever it goes. They are just trying to decide and make sure that the landlord is happy too.

Chair Parkins commented that she would suggest putting it on the brick and then just get something smaller for the top.

Mr. Elliot responded yes, but the problem with that is that the letters of logo look nice in the logo but it doesn't look nice by itself. They look almost cartoonish a little bit and it doesn't really work. He added that if they do different lettering then it looks disjointed so they want to just have it in one place and that is why they were thinking about putting it above the arch but they haven't run that by the landlord yet.

Comm. Harger stated that she didn't see what the area above the words "Common Bond Market" have anything to do with their business. She referenced the daylight and the nighttime kind of thing with the tree and the dog, the moon and the sun.

Comm. McGorty commented that she just wasn't "seeing it."

Comm. Harger stated that she would think that "Common Bond Market" would lend itself to being above the window portion.

Mr. Elliot responded that he is thinking more long term with something that has a really strong visual so it is something more about motive than something that speaks to food specifically.

Comm. Harger commented that she doesn't see what it has to do with food.

Mr. Elliot responded that his mom had the same comment but then after seeing it for long enough, she'll probably like it too.

Comm. Harger laughed and commented no, not necessarily (inaudible)...

Chair Parkins asked her if she wasn't getting that "earthly, organic feeling" because that is what she is getting from it.

Comm. Harger responded well, if she saw parsley, sage and thyme coming up from the ground...

Mr. Elliot stated that their logo for Thyme & Season has a thyme sprig but part of it was that they were trying to get away from that.

Chair Parkins asked for a motion for the business and the sign.

Mr. Elliot asked about the placement of the sign and if it would be up to them about putting it on the brick face or slightly above the arch. He asked if it has to go directly where it is shown on the rendering.

Comm. McGorty asked Rick Schultz if he could work with the Applicant on that.

Mr. Schultz responded yes when he comes in, when it isn't snowing, they will work with him.

**On a motion made by Jim Tickey and seconded by Thomas McGorty, it was unanimously voted to approve Separate #6626 for the business and the signage.**

**SEPARATE #6698: R.D. SCINTO, INC., 2 RESEARCH DRIVE, BUSINESS**

Mr. Schultz stated that this is for the relocation of Raveis to the site that is on tonight's agenda for a site plan approval and this is for the occupancy. He asked the applicant what the square footage was that Raveis would be occupying.

Joe Pereira, Pereira Engineering LLC, responded that it would be 41,000.

Mr. Schultz stated that as Mr. Scinto will indicate a large portion of their business is mortgage financing.

**Robert Scinto, representing William Raveis, addressed the Commission.** Mr. Scinto stated that he is presently around the corner in a smaller, about 15,000 square foot building. His business has been fantastic, he does a lot of mortgages so he needs a facility to accommodate that growth.

Chair Parkins stated that this is more of administrative issue.

Mr. Schultz responded yes, Staff recommends approval.

**On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to approve Separate #6698.**

**SEPARATE #6686: WALGREENS, EASTERN CO. INC., 700 BRIDGEPORT AVENUE, CHANGE OF BUSINESS HOURS**

**Atty. Steven Bellis, representing Walgreens, addressed the Commission.** Atty. Bellis commented that Walgreen's did not notify the landlord that they were going to stay open for 24 hours so he was not aware of it. He indicated that the first he heard of it was when Rick Schultz called indicating that they had made an inquiry about them being open 24 hours and none of them knew it.

Atty. Bellis indicated that he called the Walgreens corporate office and they weren't aware of it and he called...

Chair Parkins asked for clarification that he said that Walgreen's Corporate was not aware they were open 24 hours.

Atty. Bellis responded yes, because there are usually some channels you go through with these big companies. The District Manager wrote a letter which he sent to them – basically what happened, he thinks, is that there was a need to have the store open. The local manager in Shelton said that he saw people waiting outside in the morning for the store to open and after hours in the evening after it closed around midnight. The manager in Shelton thought there was no sense in closing the store for a couple of hours and made the decision; he didn't know that in a PDD he would need to get permission. It is in their Statement of Uses.

Chair Parkins added that so is putting up flags, etc...he might want to remind them of that too.

Atty. Bellis responded OK. He stated that right away the Corporate Office called Rick Schultz. He added that Corporate also hired him to inform the Commission that Walgreen's apologizes and that is in the content of the letter he submitted. The letter explains that they do have channels that are checked and this was a mistake. Atty. Bellis told Walgreen's that the Commission would be upset because this was ipso facto – after the fact. They explained that they just were not aware of it and they were not trying to get around the regulations or be sneaky. He added that the local manager is a young guy...

Comm. Harger asked if he was still employed there.

Atty. Bellis responded that he didn't ask.

Comm. Dickal stated that it is common sense that if you do a change, you check with the boss first.

Atty. Bellis agreed.

Chair Parkins stated that she would assume it was the manager that made the call to do it. He's the one that is signing off – you would think Corporate would ask why he's signing off on people that are working from 12 midnight to 7 a.m. but that is besides the point.

Atty. Bellis indicated that was the reason for their letter but he also filed a Statement of Uses with Rick. The bottom line is that pharmacy is open 8 a.m. to 10 p.m.

Chair Parkins asked what people are coming into the store for – over the counter drugs, bread and milk or cigarettes...

Atty. Bellis responded no, not groceries, it is more the over the counter pills, cold/flu medications, headaches, those kind of things.

Comm. Miller added that there are a lot of people in town at the hotels, businessmen...

Atty. Bellis responded yes, and the manager claims that they are standing outside, so...

Comm. Harger asked what time Stop & Shop and Shop Rite up the street close.

Comm. Dickal responded 12 midnight. They were open all night but because of decreased business...

Chair Parkins added that was a large store to keep open all night.

Comm. Harger commented that because of the fact that the pharmacy was not going to be open 24 hours, just the store portion, she questioned why there was a need. She added that she found it hard to believe that the store manager does not know the drill, the protocol and just went out and decided to do this. There are checks and balances that everybody has to have. Comm. Harger stated that the thing that she feels bad about as well is the role of Corporate here, and the District Manager, or somebody from Illinois.

Atty. Bellis responded that he did ask me, the Corporate...

Comm. Harger commented that she had been on their website and there are 8,116 Walgreen's stores and they have an entire manual on their operations and business practices.

Atty. Bellis responded yes, he knows...the District Manager was shocked. Rich Steiner has been before this Commission and...

Comm. Dickal stated they've been doing this for six months – well over six months.

Atty. Bellis added yes, he said it was long time, July he thinks...

Chair Parkins commented that it didn't happen overnight but then again the landlord didn't notice either.

Comm. Harger stated that the landlord wouldn't be driving around at midnight or 2 a.m.

Chair Parkins commented that Vazi's is open right there...it is all a moot point how it happened...

Atty. Bellis agreed and acknowledged that they screwed up and there is no question about it.

Chair Parkins indicated that she had no issue with the pharmacy being open (inaudible)...

Comm. McGorty added that it was not a big deal that they were open 24 hours.

Atty. Bellis agreed but it is about the way they did it.

Comm. Harger disagreed and added that she thinks this opens Pandora's Box for the whole town.

Comm. Dickal agreed.

Comm. Harger commented that it was basically businesses saying "Oh, sorry, my bad, I didn't know, it was a mistake..." She added that she felt it was taking it too lightly to say that they can't roll back and can't abide by the rules. It starts them down a slippery slope here. She commented that there are many businesses that bend over backwards to do what they have to do but then every so often they have this – where some rogue employee who does whatever they want to do and let the chips fall where they may.

Atty. Bellis responded that he understands what Comm. Harger is saying. He added that he gets it and he wasn't arguing with them.

Comm. Dickal agreed with Comm. Harger's comments.

Atty. Bellis indicated that he didn't want to throw the guy under the bus, he knows Rich Steiner, who has been here before, he's the contact person, and they can ask Rick, Rich was flabbergasted about this.

Chair Parkins commented that they have no fining mechanisms, no ordinance to back them up.

Comm. Harger agreed and added that is why she copied John Anglace on her email.

Atty. Bellis (?) commented that until you get the BOA to give you some (inaudible)...

Comm. McGorty stated that until that happens...there are repeat offenders that back into applications all the time. It happens every year, the same offenders.

Atty. Bellis commented that he knows that it happens during the Christmas season. He told them that Commission was upset because it is like a slap in their face. They responded that they were not like that.

Chair Parkins stated that he needs to let them know that whatever they do at that store, that development is a PDD controlled by P&Z. Anytime that they want to do anything – such as putting out one of those sale signs, they have to ask permission to do it and they'll be (inaudible)...

Atty. Bellis responded yes, he will tell them. He added that he explained to them about the PDD.

Comm. Harger commented that they don't have any way to fine people but there is nothing holding Walgreen's back from self-imposing a fine on themselves. She references the major fire downtown last month with about two dozen misplaced families who lost everything. She commented about Walgreen's website and referenced their statements about being community oriented. She mentioned the Howe Avenue Fire Relief Fund if they would like to look into making a donation. She gave the point of contact information about it to Atty. Bellis

Comm. Dickal agreed.

Chair Parkins commented that she didn't know that she wants to (inaudible)...

Comm. Harger stated that this is just a suggestion.

Atty. Bellis responded yes, he understands that it is a suggestion.

Chair Parkins noted that their residents have to drive over to Derby right now because the closest pharmacy that is open 24 hours is CVS and Stop & Shop was open for 24 hours before Walgreen's. She asked for a motion to approve.

Comm. Dickal made the motion to accept with the suggestion for the donation. This way it will set a precedent so people will know that they have to abide by it.

Chair Parkins clarified that they would like for them to make a donation; however, it is not a part of the approval.

Atty. Bellis commented that he understands it is not a part of the motion.

**On a motion made by Nancy Dickal seconded by Thomas McGorty, it was voted (5-1) to approve Separate #6686. Comm. Harger voted in opposition.**

**APPLICATION #14-03: WILLIAM RAVEIS FOR MODIFICATION OF SITE PLAN APPROVAL (BUILDING RENOVATION AND PARKING EXPANSION), 2 RESEARCH DRIVE (MAP 18, LOT 8), LIP DISTRICT: ACCEPT, REVIEW AND POSSIBLE DECISION**

Chair Parkins took an agenda item out of sequence and moved on to accept Application #14-03.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept Application #14-03.**

Mr. Schultz read a letter from the Fire Marshal regarding Application #14-03 and the Applicant distributed plans of the proposed site plan.

**\*See attached correspondence dated February 10, 2014 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal.**

Mr. Schultz indicated that the City Engineer had no comments.

Comm. McGorty commented that it was a nice looking building.

**Joe Pereira, P.E. and Principal at Pereira Engineering, LLC, One Enterprise Drive, Shelton addressed the Commission.** Mr. Pereira stated that the rendering before them is the renovation of an existing building at the corner of Research Drive and Progress Drive – the address is 2 Research Drive.

Mr. Pereira stated that the existing building is approximately 52,000 square foot building. The building itself currently contains warehousing in the rear of the building and it also has some office space in the front. Mr. Pereira indicated that the office space is two feet above the warehousing and they are proposing to demolish the existing office space and expand the lower section of the warehouse.

He added that the rendering in front of them is the finished product. The building has been there since the 1980's so it is a complete renovation of the building itself. The finished product will actually be about 11,000 square feet less than what exists out there right now.

Mr. Pereira explained that there are two parking lots, one in the rear which will remain as is. They are only going to renovate the front parking lot and add about 40 parking spaces. The building already has all of the utilities and they aren't making any changes to the utilities.

In relation to the parking, Mr. Pereira stated that they will have a new storm water management system that will really reduce the storm water level. He added that other than that it is a very straightforward project. There is not a lot put on the site (inaudible)...

Chair Parkins referenced the plans and asked if there was a garden in the center.

Mr. Pereira responded yes, the garden area that will open it up for daylight.

Chair Parkins asked if it was underneath the skylight there.

Mr. Scinto responded that it was just past it.

Mr. Pereira showed the front entrance and the garden area in the middle (inaudible)...

Comm. Dickal asked if it was in a circular area (inaudible)...

Mr. Pereira responded rectangular.

Mr. Pereira explained the parking configuration and indicated that right now there are three curb cuts along Progress Drive where there are two for the rear parking area and one for the front parking area and it is an exit only, single lane. The entrance is also a single lane off of Research Drive. He indicated that they are looking to convert them both to two lanes so they have full accessibility from both drives. This slight modification (inaudible)...

Comm. Dickal asked how many parking spaces would be around the facility.

Mr. Pereira responded that there would be a total of 164 proposed and that satisfies the requirement.

Chair Parkins commented that they are reconfiguring the front entryway so that they have two-way traffic in and out from Research and Progress. She asked if there was another driveway further down on Progress to get into the back parking area.

Mr. Pereira responded yes, those two existing curb cuts will stay.

Chair Parkins asked if they were keeping that one way in and one way out.

Mr. Pereira responded yes, they aren't looking to change that. The back of the building will stay as is.

Chair Parkins asked Rick Schultz if Tony Panico received a copy of these plans.

Mr. Schultz responded yes, a referral was made to Tony Panico and his comments have been relayed to the Applicant and incorporated into the draft resolution.

Chair Parkins asked if they had a generator proposed for this site.

Mr. Pereira responded that there is gas on site now so (inaudible) ...

Chair Parkins asked if by gas, he means (inaudible)...

Inaudible comments...

Mr. Pereira indicated that it will be a huge improvement over what is out there now.

Mr. Scinto explained that the outside was going to be a beautiful terracotta stone and they are going to special dye the stone because Bill Raveis has that blue color and they are going to try to get the stone as close to the blue as possible.

Comm. Tickey stated that it practically matches the sky.

Mr. Scinto responded yes, it is going to be a spectacular building.

Comm. Dickal commented that hopefully, maybe there will be opportunities for other buildings to be renovated for businesses.

Chair Parkins asked if there were any further questions or comments. With none, Mr. Schultz read the draft motion for Application #14-03 adding that there were no comments from the City Engineer and no Inland Wetland regulated activities.

**\*See attached P&Z Report Resolution for 14-03, William Raveis for Modification of Site Plan Approval (building renovation and parking expansion), 2 Research Drive (Map 19, Lot 8).**

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Application #14-03.**

**APPLICATION #14-01: CODESPOTI AND ASSOCIATES P.C. FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (PARKING EXPANSION), 7 PROGRESS DRIVE (MAP 28, LOT 26), LIP DISTRICT: ACCEPT AND SCHEDULE PUBLIC HEARING.**

**On a motion made by Nancy Dickal seconded by Virginia Harger, it was unanimously voted to accept Application #14-01 and schedule a public hearing for Wednesday, February 26, 2014.**

**APPLICATION #14-02: PETITION OF CODESPOTI AND ASSOCIATES P.C. FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD #32 AND DETAILED DEVELOPMENT PLANS (PARKING EXPANSION), 4 RESEARCH DRIVE (MAP 28, LOT 3): ACCEPT AND SCHEDULE A PUBLIC HEARING.**

**On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to accept Application #14-02 and schedule a public hearing for Wednesday, February 26, 2014.**

Chair Parkins returned to agenda items under Old Business for Applications for Certificate of Zoning Compliance.

**SEPARATE #435: CENTERPLAN CONSTRUCTION, 465 BRIDGEPORT AVENUE, ROOF MOUNTED SOLAR PANELS**

Mr. Schultz stated that all of the Wal-Marts in the United States are going with roof-mounted solar panels to go green. It is pretty straightforward and the equipment will not be seen.

Chair Parkins asked about the people living up on top of (inaudible)...

Comm. Dickal stated that there was just an article about how fire fighters say it is hard to fight fires (inaudible, radio frequency interference)...

Mr. Schultz asked Comm. Pogoda if he wanted to give more discussion to the roof mounted solar panels.

Comm. Pogoda stated yes, it is going to affect the people above Wal-Mart (inaudible)...

Mr. Schultz suggested tabling it and getting more information.

Chair Parkins stated that she would like to see some renderings of what it is going to look like from up above.

Comm. Dickal restated that there was a large article in last Sunday's newspaper about firefighters saying it is difficult to fight fires on buildings with solar panels.

Mr. Schultz indicated that this was a flat roof and it is going to occupy the whole roof area.

Comm. Harger commented about the article saying that the solar panels impedes fire fighters.

Mr. Schultz indicated that he would have to get a letter from the Fire Chief too.

Chair Parkins indicated that they also want a rendering to see what it will look like from above. You probably won't see much from Bridgeport Avenue because you can't even see the building but the people up on top of the hill can.

Comm. Dickal stated that she would like to hear from the Fire Chief too after reading that article.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to table Separate #6695.**

**SEPARATE #6695: WHITE HILLS SHOPPING CENTER, 194F LEAVENWORTH ROAD, BUSINESS**

Mr. Schultz indicated that this is for Bob Boroski's Art Studio.

Chair Parkins commented that it was good for him. He has such a positive attitude.

Mr. Schultz stated that there is a wall sign application with it. He showed a rendering of the signage "School of Art" 18 inches x 10 feet consistent with the uniform signage up there.

Comm. Pogoda asked a question about the location.

Mr. Schultz indicated that it would be the old bookstore – half of the bookstore.

**On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to approve Separate #6695.**

**SEPARATE #6685: SCHOOL OF ART, 194F LEAVENWORTH ROAD, SIGN**

**On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to approve Separate #6685.**

**SEPARATE #6691: BERRY CHILL, 15 HUNTINGTON PLAZA, BUSINESS**

Mr. Schultz indicated that this is the old Huntington chiropractor. It is 975 square feet, a frozen yogurt/desserts, hours of operation Monday through Sunday 11 a.m. –

Comm. Tickey asked if the guy was named Barry Chill.

Mr. Schultz indicated that Berry Chill is the business name, that's a typo. The applicants are Jacob Pepper and Beth Pepper.

Comm. Harger asked for clarification about the location.

Mr. Schultz responded next to Sassafra.

Chair Parkins asked if there were plans to put tables outside or anything.

Mr. Schultz responded no.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6691.**

**APPLICATION #13-18, BISHOP MANAGEMENT OF SHELTON 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 indicated that they just closed the public hearing on this tonight.

Mr. Schultz indicated that Staff has prepared a draft report resolution dated today.

**\*See attached P&Z Report Resolution for Application #13-18 for Bishop Management of Shelton for Modification to Boundary of PDD #73 and Detailed Development Plans (Grading Plan) at 781-785 River Road (Map 12, Lots 11, 29 and 43) dated February 11, 2014.**

Comm. Dickal commented that she thought Comm. Pogoda had a good idea about having a mesh over the rocks there because they have been having crazy weather, expansion, contraction and she doesn't want anyone to get hurt.

Chair Parkins stated that they don't want to force them to do it now but they would like it to be a condition that if rocks start falling they will be required to put up some sort (inaudible)...

Comm. Dickal responded OK, because it was an excellent idea.

Chair Parkins indicated that they don't want to see it, if it doesn't have to be there.

Comm. Pogoda commented that was his point and he wanted that written somewhere into their approval because he knows that when Jim Botti put that shopping center in initially some rocks did fall behind Wendy's and they had to put that up.

Chair Parkins stated that she is sure that they would do it from a liability standpoint because the last thing they want is rocks falling on top of people's cars if they drive through there, but they just want to make sure that they have to do it.

Comm. Pogoda responded that was fine.

Comm. Harger asked if besides the grading, they were approving the kind of fence.

Mr. Schultz responded yes and they are looking at the chain link with the slats.

Chair Parkins stated that it was the small openings, 8 foot with slats on a portion of it.

Comm. Dickal asked what color it was going to be.

Mr. Schultz responded black.

Comm. Pogoda asked about the discussion of the slats. He indicated that if they are plastic, because he's seen when the sun dries them out and they start cracking. He asked who would maintain them.

Chair Parkins responded that they are, the Applicant or its successors. She added that it should say "into perpetuity."

Mr. Schultz responded it will say into perpetuity.

Comm. Pogoda commented OK because that stuff cracks from the sun and cold weather. He's seen it on other fences and it looks horrible once it starts cracking.

Chair Parkins stated that you would think they would have some rubberized material rather than (inaudible)...

Comm. Dickal stated that they catch fire too because where the restaurants are on Bridgeport Avenue along where Fairchild Heights is located, they have their dumpsters there and they caught fire in the back and they are all burned and charred.

Comm. Harger commented that she doesn't see the need to put those slats up if they aren't going to do it all the way.

Comm. McGorty stated yes, that was a new twist on what was originally proposed - about having slats on the fence. The trees that were to be planted there would kind of be the barrier so that you wouldn't see the fence.

Chair Parkins indicated that in looking at the location of this guy's house, he's trying to prevent seeing the buildings when sitting out on his deck or through his windows.

Comm. McGorty responded OK, that's fine, he can see that.

Comm. Harger commented that she thought that came from Bishop Management.

Comm. Dickal stated that she thinks that they came to some kind of resolution concerning that he wanted the slats.

Comm. Harger commented yes, but he said it came from Howard...

Comm. McGorty stated that he's sure they agreed on it. They have to maintain it, it is more work for them.

Chair Parkins stated that was why she wanted to make sure that they had room up there to maintain them.

There were further comments regarding the trees and the fence (inaudible)...

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously roll call voted to approve Application #13-18 with the noted conditions.**

#### **PUBLIC PORTION**

Chair Parkins asked if there was anyone wishing to address the Commission on any item not on the Agenda. With no one responding, she asked for a motion to close the public hearing.

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

#### **ADJOURNMENT**

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to adjourn the meeting at 9:35 p.m.**

Respectfully Submitted,

*Karin C. Tuke*  
P&Z Recording Secretary