

**SHELTON PLANNING & ZONING COMMISSION**

**February 26, 2014**

The Shelton Planning and Zoning Commission held a Special Meeting on Wednesday, February 26, 2014, Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

Commissioners Present:                      Chairperson Ruth Parkins  
    Commissioner Nancy Dickal  
    Comm. Virginia Harger  
    Comm. Thomas McGorty  
    Commissioner Ned Miller (alternate for Anthony Pogoda)  
    Commissioner Frank Osak (alternate)  
    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 Special Meeting of the Shelton Planning & Zoning Commission to order at 7 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that Commissioner Ned Miller would be acting as alternate for Comm. Pogoda, P&Z Consultant Tony Panico would be attending this meeting via Skype and Mayor Mark Lauretti was also joining them tonight. She reviewed the procedures for a public hearing, the sign in sheet for those wishing to speak in the Public portion and rules for cell phone usage during the hearing.

Chair Parkins stated that they would begin with the continuation of the public hearing for Application #13-17 regarding Hawk's Ridge. She asked the P&Z Secretary to read any new correspondence; they received quite a few letters from the public which will be read after the public portion. She indicated that here is another public hearing scheduled for this evening so the Commission will conclude comments for Application #13-17 at 8:45 p.m. (NLT 9 p.m.) to allow them time to conduct the next public hearing.

**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.**

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

**\*See attached correspondence and attachment (Shelton Ordinance #794) dated February 26, 2014 to Richard Schultz, P&Z Administrator from Thomas Harbinson, Chairman, Shelton Conservation Commission.**

Chair Parkins stated that copies of resident correspondence will be distributed to all the Commissioners. She added that if anyone in the audience who does not have an opportunity to speak or would prefer to submit something in writing, all copies of any correspondence would be provided to all of the Commissioners.

**Steven Bellis, Pelligrino Law Firm, 475 Whitney Avenue, New Haven, CT representing Hawks Ridge of Shelton LLC addressed the Commission.** Atty. Bellis commented that a

couple of weeks ago where they left off, a couple of the Commissioners had questions so he wanted to begin by addressing those concerns. He stated that Comm. Harger had a question about when the project would be started and how they would begin the project. Since that last meeting, the Applicant has been in negotiations for a Letter of Intent with an Assisted Living Facility so they have expressed a desire, that if the Commission were to approve the Zone Change and assuming the Detailed Development Plans were approved, that they would like to get started right away. He indicated that in response to Comm. Harger's question, the Applicant would work from both directions on the lower side for the Assisted Living and on the upper side where the single families were planned at the same time working toward the middle.

Comm. Harger responded OK.

Atty. Bellis stated that Comm. Dickal had a question regarding how many homes were built in Shelton during 2012 and 2013. The breakdown would be as follows: in 2013 there were 30 single-family homes, 20 condominiums, and 250 apartment units; and in 2012 there were 35 single-family homes, 18 condominiums and zero apartment units. He clarified, as far as the single-families, the 35 and the 30, that is 65 – 40 of them were similar to what this application proposes. It would be Cranberry Estates where they had an adult-oriented plan.

Comm. Dickal responded thank you.

Atty. Bellis commented that Chair Parkins had requested that they bring back their experts for real estate, Chris Kerin and traffic, Joe Balskus. He added that both gentlemen are here tonight to answer any questions she has.

Chair Parkins stated that the presentation given by the Traffic Engineer was very quick because of their time constraints so she asked to have him review his comments again.

Atty. Bellis introduced Joe Balskus from Tighe & Bond and he distributed copies of the previous PowerPoint presentation which he would be referencing.

**Joe Balskus, Director of Traffic & Parking, Tighe & Bond, 1000 Bridgeport Avenue, Shelton addressed the Commission.**

Mr. Balskus requested to use the pull down screen and the projector for his PowerPoint presentation. He commented that they prepared the Traffic Impact Study for this project. He indicated that he would give a brief presentation on the traffic study. This presentation is condensed from the last presentation and addresses some of the key issues that were raised by the Commission members. He has condensed the number of slides and would focus on the issues that they're aware of regarding the project impacts and the improvements proposed by the project.

Mr. Balskus indicated that there were three primary issues that he was going to talk about. One involves the Beard Sawmill Road connection between Long Hill Crossroad (LHC) and Beard Sawmill Road. He showed the connection on the site plan.

The second point in his discussion will be the off-site improvements along LHC and Bridgeport Avenue. He also wants to discuss LHC as a LIP type, commercial-type of road versus a typical road such as Constitution Boulevard that supports LIP development.

Mr. Balskus highlighted some of the issues with LHC and Beard Sawmill Road connection and showed the overall site plan depicting Bridgeport Avenue, LHC, Beard Sawmill Road and the Route 8 Expressway. The overall site plan shows the basic three or four concerns with the site between the two roadways. He pointed out an area in red line showing the stark contrast with the ability of vehicles not residing in the development to essentially use this private road as a cut-through because they can or they will be able to. He followed the path of the red line going from LHC, coming down through the site, making a right turn, going around, making a left turn, another right turn down a steep hill (which he would discuss later) and then down to Beard Sawmill Road over to Far Mill Crossing to Old Stratford Road.

Mr. Balskus restated that he wanted to highlight that the potential is there with the roadway connection that is in the plans and that the Conservation Commission has expressed concern about it in terms of the amount of impact that this road provides.

Mr. Balskus discussed the road connection itself and indicated that his belief, as a Traffic Engineer, is that it is going to induce cut-through traffic through the development. They are going to have traffic that is going to be coming through the development because it will be quicker for someone to turn left on LHC, go through the development, drive their way through the development to get to Old Stratford Road and get to the Route 8 ramps. Mr. Balskus stated that they have done a study of it and it is quicker, time-wise, to do that so they feel that this connection will induce cut-through traffic through the development.

Mr. Balskus stated that by putting that road there potential safety issues would result. There would be traffic that does not belong in the neighborhood, maybe traveling faster to get through the cut-through to get to the highway (i.e. in the morning to get to work or in the afternoon going home). He reiterated that it could induce some safety issues. The primary issue that they also have to deal with, as mentioned in the Conservation Commission letter just read into the record, the disturbance of the road itself, the grade of the road, and the geometry.

He stated that as he highlighted already, there are several turns through there that have to be made. He commented that you may wonder why it is still quicker than the other way – the distance, depending on which ramp you are going to, it could be shorter than the cut-through, depending whether you are going to the southbound ramp or the northbound ramp. He added that in this connection there are no traffic signals. Turning right out of Far Mill Crossing, you are basically at the northbound ramp so you wouldn't have to making a left, going to Beard Sawmill Road, Old Stratford Road and to the signal at the ramps so that is where the time is gained – a minute or potentially two minutes by using the cut-through roadway.

Mr. Balskus stated that as a Traffic Engineer, he is a little concerned about it in terms of safety aspects, the road being used by traffic that doesn't really belong there, and it is basically another north/south road between the two roadways. The actual impacts of the road itself – he added that grading this area – this is the Iroquois Gas Pipeline here. He showed the contours on the site plan and highlighted the steepness. He commented that this section of road would be upwards of 9%. He showed that you are on a horizontal curve going uphill at a tangent and another curve uphill before you get to the top of the hill over here. He added that as a traffic engineer, that sort of geometry, he would like to avoid. There are vertical and horizontal curvatures together on a steep section of road at 9% basically. There are those issues as well as issues regarding how you would build it and get over the gas main itself, there are a lot of cuts and fills involved in doing it. There are a host of issues with this connection on this site plan.

Mr. Balskus showed another site plan rendering with no connection road and commented that he considers it a more appropriate plan. He added that he forgot to mention that Beard Sawmill Road, by having that connection, it would induce more traffic volume on Beard Sawmill Road too. There would be more traffic volume coming there to get to the site, cut through the site so it would induce more traffic than Beard Sawmill Road should have.

Mr. Balskus commented that without the connection, you have Beard Sawmill Road serving very low impact traffic developments – a very low generation of traffic. Residential is low generation as well but you separate these two uses as well. It is separated with LHC carrying the traffic for this residential development and Beard Sawmill Road carrying this traffic for this development. It makes sense from the standpoint of traffic flow because they don't have the issues of cut-through traffic coming through here into the neighborhood.

Mr. Balskus indicated that the next item on his agenda that he wanted to discuss has to do with Bridgeport Avenue at LHC. He showed a slide depicting an aerial image of the existing intersection of Bpt. Ave. and LHC (adding that many of them probably know it very well). He noted that the intersection is signalized. He pointed out the position of LHC and Bridgeport Avenue going to Old Stratford Road on the left and Bridgeport Avenue going to the center of Shelton on the right. He commented that southbound, there is one lane, a left thru lane and a very wide shoulder (upwards of 10 feet) which is actually used as a lane to pass and go around and bypass a vehicle taking a left turn. Mr. Balskus also showed the location of an exclusive

right turn lane turning onto LHC and a thru lane. He noted that is how this intersection operates today. He pointed out one lane that is not very well utilized without much traffic stored there. He added that the queues that they know of during the peak hours (esp. afternoon peak hours) going north toward the center of Shelton will back up. He reiterated that they know that it does.

Mr. Balskus stated that with the traffic that they have projected here and in looking at the conditions, they've proposed an improvement. He showed a photo, ground level looking northbound at the intersection, pointing out that the edge of the road further up comes in. He commented that if they project that forward, you would see that this part of the intersection would need to be addressed if they are talking about doing any widening or restriping there.

He showed a slide of the proposed improvements to this intersection (Bpt Ave & LHC) where they would plan to widen along that section just shown, change the lane use from a thru lane to a right-turn lane to an approach that could store more traffic – a thru lane and a thru right lane, with both lanes carried through the intersection and then merged further on down. He added that it was a standard CT DOT improvement where you have long queues at signalized intersections that are spaced further apart and you need to store (inaudible) it up and stop traffic and reduce storage areas and carry them through the intersection and merge them again.

Mr. Balskus concluded that their improvement is to basically to widen along here (Bpt. Avenue going toward center of Shelton), provide a standard CT DOT carry thru lane so they basically have two lanes through and then merge them further on down. He showed where they would restripe a lane to create two thru lanes with one of them being a right turn lane. At the same time, they would also look at the traffic signal itself and retiming the traffic signal to make it a more efficient operation. By doing this they can considerably improve the queues at this intersection during the peak hours (esp. the afternoon peak hours). There aren't going to have the 800 foot queues that they're getting there today sometimes during peak hours with this improvement.

Chair Parkins asked if he could answer a question before going on. She asked how many cars could queue there in that right hand lane before blocking the ability for people ready to take a right hand turn.

Mr. Balskus explained and pointed out that this lane, (inaudible) starts to taper over here – he stated that he thinks it's 250 – 300 feet long – the right turn lane which is much more than is needed for the volume that is turning right onto LHC.

Chair Parkins responded yes, but that's before a development of this size goes in there.

Mr. Balskus clarified and showed the existing lane is about 300 feet long – that right turn lane.

Chair Parkins commented OK, but she is talking about what is proposed.

Mr. Balskus responded that the proposed would be at least that. There will be two full lanes of at least 300 feet long to store the traffic.

Chair Parkins restated her question and asked how many people would be in the right turn lane, how many cars can stack in the right turn lane before the cars behind them are prohibited from turning right – until the light changes.

Mr. Balskus apologized that he wasn't sure he understands her question.

Comm. McGorty rephrased that going from the intersection back, how many cars can make a right turn.

Mr. Balskus responded that they were going to stripe these two northbound lanes for at least 300 feet – they can store at least 12 cars per lane.

Comm. McGorty commented that it looks like if there was a car in the front, you'd maybe get one car per minute.

Chair Parkins stated that they were missing her point.

Mr. Balskus apologized that he was missing her point adding that he didn't understand what she was asking.

Chair Parkins stated that if it is meant to be a right hand turn lane, how many cars can stack there that are going to go straight before they are blocking the cars that are going to turn right.

Mr. Balskus responded OK, he sees what she wants to know. He stated that if there are two cars in this lane, then yes, you would have to wait for the green light to come. He added that with this improvement, you will not have a dedicated right turn lane to come up and turn quickly onto LHC but they don't need that dedicated right turn lane. He didn't think it would be less convenient because you are going to be storing traffic in this lane and you will have revised signal timing so you aren't going to make it much longer to go up northbound on Bpt. Ave. and turn right on LHC to go where you're going. It is not going to cause you to say – "oh now I have to sit in this lane full of traffic..." – because this light is going to be going green a lot and you'll be storing traffic in this lane so it is not going to cause a significant delay because now it is a right and thru lane versus a right turn lane.

He added that part of the problem here is that you can't get to this right lane and when this thru lane backs up, you can't get to it. You are in that queue anyway. They are reducing the queue, so with this current setup, you cannot feed that right turn lane because the thru lane is backed up and blocking that. With this improvement you will actually be able to get into position sooner than you would today because the lane will not be blocked. There will be cars in the lane that aren't turning right, yes, because they want people in that lane to carry them through the intersection to make that intersection work better.

Comm. McGorty asked about the southbound side if they would lose the ability to go around to the right of a car making a left. He added that it looks like they are taking some of that away.

Mr. Balskus responded no, it doesn't – he added that was a very good point – he explained that this was a concept plan. He noted that they are going to maintain this center line so this shoulder and center line is going to remain.

Comm. McGorty stated OK because it doesn't look like it on the rendering.

Mr. Balskus agreed, yes exactly – the way this is drawn, the shoulder is narrowed but they aren't going to be able to do that. He showed the area where they would be widening to maintain that shoulder. He thanked him for pointing that out.

Mr. Balskus indicated that he wanted to discuss LHC. He commented that LHC itself, the longest side frontage is 25 feet wide but it goes narrower in some places. He added that he has driven it many times and it is a busy road with vertical geometry issues in some sections. It carries a lot of traffic, commercial traffic; it is basically a road that shouldn't be carrying that traffic according to the City's own regulations. It is not a commercial type road; it is not the 40 – 50 foot wide road that you want and really should have for a road carrying access to commercial development.

Mr. Balskus stated that in discussing LIP development, you are guaranteed to increase truck traffic with LIP development on this site. It would have to service industrial development with trucks whether it is a warehouse use, depending upon the uses, there could be a lot of trucks. In the cross section of about 25 feet, there are no paved shoulders. He added that it is difficult to walk on this road with the traffic that exists; there are no paved shoulders. It is not a road that is conducive to accommodating additional truck traffic. It can accommodate more cars but they aren't adding a lot of cars to the road itself.

Mr. Balskus stated that compared to other roadways carrying LIP traffic it is substandard in terms of the ability to carry commercial traffic. The City's own requirements for a commercial street are 40 feet. They don't even meet the requirements for local streets so for a commercial street, which it really is, with the commercial development it is carrying, it is really substandard.

He added that the geometry and curvature also does not meet these standards. There are a couple of bumps along LHC, if you hit them right, you may get into the air with your car. He reiterated that the road itself was not conducive to carrying additional LIP traffic.

Mr. Balskus provided photos of trucks traveling on Constitution Boulevard, a 45 foot wide road with paved shoulders compared to a photo of truck traffic on LHC showing the reality of the cross-sectional dimensions of the road in terms of its ability to carry additional traffic.

Mr. Balskus stated that in terms of the site development itself, they are going to improve the area along LHC with some drainage, profile adjustments for sight lines where needed along the site frontage so they are planning on doing some improvements but by and large, a cross section of the road is substandard according to the City's own regulations.

Mr. Balskus summarized some of the issues he just discussed before offering to answer questions. He commented that they are thinking about eliminating that connection after hearing from Conservation Commission and looking at other issues involved. It will give them a safer neighborhood.

He stated that they are going to improve LHC along the site frontage and improve the Bpt. Ave. intersection. He added that he wondered that if they do the connection road, they would be cutting the traffic thru and they might not need to do the improvements down on Bpt. Ave. He added that in regard to truck traffic, this project itself overall is a lower generator of traffic.

Comm. Miller asked a question about something he said in his last presentation and if this would be adding one car per minute at rush hour. He asked if that is what Mr. Balskus had projected.

Mr. Balskus responded that it was in that neighborhood basically, yes, for the total project including the Assisted Living; they are adding about 100 cars during the morning and afternoon peak hours. He stated that it would be less than two cars per minute but a little bit more than one. He indicated that according to the State Traffic Administration, 100 cars in the peak hours is kind of the rule of thumb that they look at for impacts to an intersection. He explained that if they are looking at a development and it's generating more than 100 cars at an intersection, they want it studied and looked at – that is generally the rule of thumb for looking at impacts and they are right there. He added that if there were 100 units of housing or below, it is not even under the purview of the State even if it is up against Route 8 or things like that so they are right there. It is not a pharmacy with 150 – 200 cars an hour, it is about 100 and if it is spread out in different directions between Beard Sawmill Road and LHC and it disperses than it is not really a lot of traffic – and it is car traffic.

Chair Parkins asked if there were any improvements planned for the intersection of Bpt. Ave. and Sawmill Road. She asked if he could first also explain “low impact” at Beard Sawmill with the Assisted Living because they will have people coming in and out for shifts, three shifts, obviously, of workers combined with the office space that is already up at the top. She asked if he could clarify low impact for that area and answer why there aren't any improvements to that intersection which can currently be problematic.

Mr. Balskus responded that Assisted Living facilities are very low generators. These are the ideal type of developments to have with their tax base and low traffic. He stated that there would be 34 cars in the morning and 54 in the afternoon for Assisted Living.

Chair Parkins asked if that would be like one shift with people coming in the morning (inaudible)...

Mr. Balskus stated that is the peak hour, he wasn't talking about shifts, but about the peak hour. The peak hour on Beard Sawmill Road at 7 to 9 o'clock...

Chair Parkins asked what it was currently or what it was proposed.

Mr. Balskus responded no, proposed so they are adding, every two minutes, one car so it is a very low generator. He added that even in the evening peak hours, there are 54 cars so that's less than one car per minute. The use is a very low generator and won't even be noticed because it is

every two minutes. These are the type of developments that they like to do because there usually aren't any traffic issues. He commented that Beard Sawmill Road was a narrow road, some cut through traffic; obviously it is busier up at Far Mill Crossing. It can handle the traffic because it is not a lot of volume. It probably could handle the road coming through but it is just more volume that they would have there and they really don't want more volume if you don't need to have it from cut through traffic. They would expect that and maybe even more than they were expecting so the Assisted Living is a very low generator of traffic with 34 cars, 54 cars (some may go right to Bpt. Ave. and some may go left to the highway).

In regard to the Chair's question about improvements to Bpt. Avenue, Mr. Balskus stated that in going back about 25 years in his career when he did a lot of work for Enterprise Corporate Park, they designed Old Stratford Road and all of those road improvements. He stated that they designed and they looked at this intersection in terms of improvements. He indicated that there haven't been improvements since then. It hasn't been touched since then. He stated that the intersection could use some improvements; there are queues that back up on occasion on Old Stratford Road. He indicated that improvements can be done there but they are costly and their plan is to talk to the DOT after this approval, sit down with OSTA (Office of State Traffic Administration) to discuss that intersection. He asked if it was their responsibility to make those improvements with this low volume – he commented maybe not. He asked if there was some sharing there – he commented possibly. He added that they think it is more of an issue of talking with the DOT about that intersection than it is saying let's improve it right now.

Mr. Balskus stated that they recognize that it needs to be improved but they aren't talking about 500 additional cars in the peak hour. They are talking about 34 and 50 cars or 60 cars with the other residential traffic; they aren't talking about a big traffic impact but they recognize the need for improvements there. He reiterated that they plan to talk to the DOT as part of the State approval process to improve that intersection. The signal itself has got a wood stand pole that has to be like 50 years old so DOT should be replacing that signal, it is their signal so he wants to know if they are going to replace that signal at some point in the future. He commented that they should program it because it is antiquated. Some widening could be done as part of that, so again, their plan is to talk to DOT about this project, Bpt. Ave. and LHC and they are guessing this intersection as well. He indicated again that they aren't generating 100 cars at this intersection so they could go there and possibly not even show that in their study area. He guesses that the DOT will want to talk to them about it. However, right now, they aren't proposing to do any work there at this point in time as a part of this application. Mr. Balskus stated that with all of these applications there is this approval and then the State approval and during the State approval they could say that they have to do that.

Chair Parkins asked if any of the Commissioners had any questions regarding the Traffic Study.

**Mayor Mark Lauretti, City of Shelton, addressed the Commission.** Mayor Lauretti asked if there were any traffic counts or if they got any traffic numbers, traffic generated.

Mr. Balskus apologized and told Mayor Lauretti that at the first hearing he did a presentation discussing the traffic volumes. He asked if he wanted to know about the existing volumes.

Mayor Lauretti responded OK, if the Commission has the information than he'll just look at those numbers.

Mr. Balskus stated that they submitted a detailed Traffic Impact Study and he presented a presentation at the first public hearing. Tonight he was addressing some of the issues that they heard about.

Mayor Lauretti asked if in the Traffic Study they did the number of trips in the peak hours, mornings, 5 days a week, 7 days a week, holidays or vacation times.

Mr. Balskus responded no, they did traffic counts for a snapshot of typical roadway conditions out there in the morning peak hour and afternoon peak hour. They projected traffic through those peak hours and projected traffic daily. They don't look at every single day of the week and the weekend with this being a residential development and not retail, they are looking at morning peak hour and afternoon peak hour of the weekday. If it was for retail, they would look at Friday

at 12 noon, Saturday midday; they know that is real but this is a weekday type of generator between the residential and the Assisted Living. They focus on the areas of impact and that methodology is in this report and is based upon hundreds of studies that he's done and gotten approval for from the State Traffic Administration so it is within the process that the STA requires.

Mayor Lauretti responded that he wouldn't suggest that they are always right – the STA. He added that was just his opinion.

Mr. Balskus agreed that they aren't always right; however, they are the State agency and they have to abide by their requirements when they are doing a Traffic Impact Study.

Mayor Lauretti asked if that is what was driving the proposed improvements for the LHC and Bpt. Ave. intersection – the additional pass thru lane...

Mr. Balskus responded that it was a combination of things. He stated that they've been involved with this for about a year and half now and part of it is what your intuition is telling you when you drive out there and then there is the analysis. He could possibly stand here and defend and say that they aren't doing any improvements there because the analysis doesn't say they have to do improvements there but part of it is engineering judgment, knowing the area, knowing the intersection and how it operates. It isn't just what the numbers are telling him and these are the improvements he has to do. It is a matter of looking at that from the standpoint, holistically, about how the intersection is operating and how much traffic is being added to it. There are long queues there so they are trying to address an existing issue at the same time even though their traffic may not necessarily warrant it because they are in a 100 vehicle range. They are high but at 200 he would consider that without a doubt. He restated that what he was saying is that it is not black and white that they have to do these improvements. Part of it is a matter of trying to address some existing issues that are out there on the road system.

Mayor Lauretti asked if any consideration was given to the timing of the lights, the sequence of the lights by Crown Point and closer – but historically, if they look at it, in this town, particularly in the Downtown that when the timing of the lights doesn't coincide with one another then there are back-ups that they can't deal with, and if something goes bad on Route 8, forget about it, because then nothing matters.

Mr. Balskus stated that there is a report put out by ITE (Institute of Transportation Engineers) about three years ago where they looked at a national study of traffic signals across the country. They found that if many communities just spent a few dollars studying and doing some traffic counts, looking at some of their intersections, they could save 30% on congestion. He added that what happens in Connecticut and across the country is that they build a traffic signal, put it in place and if no one complains, it will operate that way – whether it is coordinated or not coordinated – if people are annoyed when they are driving but no one complains and the Town or the DOT isn't on top of it then they aren't going to change the timing. There is a lot of wasted time that goes on at a lot of the intersections.

Mayor Lauretti stated that he wants him to know that he knows that. He really knows that and has long history associated with DOT, the timing of the lights, particularly in Downtown and some of them on Bridgeport Avenue and it is documented.

Mr. Balskus responded that he understands that, Mayor.

Mayor Lauretti commented that he's giving people the impression that they aren't paying attention to these things but the State owns and controls all those lights so they are at their mercy.

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

Mr. Balskus responded that the point he wants to get to is and he's trying to explain to the Commission, is what is involved with some of these signals that are being timed. He agreed with the Mayor that they are DOT signals and the point he wants to make is that the DOT doesn't always pay attention to that. People don't always complain to the DOT and the DOT will just

leave them out there. He stated that they look at the Bridgeport Avenue signals as being coordinated because they are coordinated for the most part. The signal coordination can be improved and the signal cycles can be changed to make the progression along Bpt. Ave. better but they still need to do some work, well, they should do some work to this intersection to stack the cars better than they are doing it because it causes a long queue. If the queue is 600 feet long and the light turns green but by the time you get to the light it has turned red because it has taken so much time to get to the intersection so if they have that stacked and double stacked there won't be as much waiting at the intersection. He responded to the Mayor again, stating yes, they did look at the timing of the intersections. He stated that they didn't look at the Downtown because they are confined to Old Stratford Road and that intersection but they looked at it and considered it in their analysis.

Chair Parkins stated that she's just not sure she's in agreement that making the merge further up the line is going to alleviate the traffic from that intersection. She thinks it is going to create traffic. Anytime you have one lane merging into another, you are going to create a traffic jam so she thinks they are just moving the stacking issue from one location to another. She commented that she wasn't a traffic expert but she uses that road all the time and she just doesn't see that really helping.

Mr. Balskus responded that the way these work is that the farther down you are and away from the intersection, the better off you are. They do work but where they don't work is when they've been done and haven't been designed correctly and the merge area is too short so that you get the intersection and then (inaudible)...the longer that carry through is...

Chair Parkins commented that it was like right before Sawmill.

Mr. Balskus responded that was a merge into one lane, yes.

Chair Parkins stated that they'll have the same situation further up past Sawmill.

Mr. Balskus responded that it was a little different because that is merging at an intersection versus...and you are not necessarily speeding up where at this location you are going to proceed to the intersection and your speed will be increasing because you're accelerating and, therefore, your patterns will be able to merge. He clarified that he wasn't saying this is exactly what is going to happen here because they have to go to the DOT.

Chair Parkins responded OK

Mr. Balskus stated that based on his 25 years of doing traffic signal analysis, in Shelton as well, this is an improvement that will benefit the City 24 hours a day and during the peak hour it will help them. How they design that and maximize that is something that needs to go through the DOT.

Chair Parkins asked another question regarding the exit of Beard Sawmill and if 34 cars during the peak hour was the current number.

Mr. Balskus responded no, that is projected. He can provide current counts.

Chair Parkins asked for current and with the new facility.

Mr. Balskus found the information in his traffic report and responded that right now at Beard Sawmill Road in the morning they counted 94 cars both directions – 32 cars going toward Bpt. Ave. and 62 going towards Far Mill, the cut through, in the morning. In the afternoon, they counted the opposite, 91 cars going towards Bpt. Ave and 39 going the other direction.

Chair Parkins asked if they were already currently using it as a cut through.

Mr. Balskus responded exactly, so you've got about 120 cars – he'd say about 90 in the morning and 120 cars in the afternoon using Beard Sawmill Road which isn't a lot of volume, it's not, but Beard Sawmill Road is a narrow road, in some sections, so you need to consider that.

Chair Parkins stated that Part B to that question would be, and maybe the Real Estate expert could address this better, and she asked what the occupancy rate was of the two office complexes at the end of that road right now. She commented when Health Net moved out and asked if they knew if those buildings were occupied.

Mr. Balskus responded that he didn't know about that.

Comm. McGorty asked about LHC and the Bpt. Ave. intersection because he's been going by there to observe during peak hours in the afternoon and it is stacked, pretty much, up past the house, almost up to 88, where that first building on the left would be. He asked if the study included how many cars take a right or how many cars take a left. He added that that stacking is serious there.

Mr. Balskus asked for clarification as to which stacking he was asking about.

Comm. McGorty stated that he was talking about the stacking going up the hill at LHC intersection with people trying get onto Bridgeport Avenue.

Mr. Balskus commented OK, LHC.

Comm. McGorty commented that it goes all the way up the hill and around by the house and up by 88 Long Hill Cross Road and that's a lot of stacking.

Mr. Balskus agreed, yes.

Comm. McGorty asked if they looked at that to see how many people are taking a right, how many take a left. He asked if there was anything that could be done to make a right turn lane to alleviate some of that stacking.

Mr. Balskus commented that was an excellent question and they looked at that. He indicated that they were surprised by the volume that they saw there. In the afternoon peak hour, there are 237 cars turning left and 25 cars turning right, very low. He showed the rendering of that intersection.

Comm. McGorty stated that about 10% are making a right.

Mr. Balskus responded yes, exactly. In the morning it is similar, 144 turn left and 16 turn right so the numbers say that they don't need a right turn lane. It could help alleviate the queue but the numbers don't say that they need it. He added that he has been out there as well many times and he thought he would see a lot more right turns but you don't. He would be saying something different if they had 75 or 100 right turns here but they aren't seeing it.

Mayor Lauretti commented that they had the timing on the light changed a few years ago because of that problem. It is actually better than it has been and it stays on green longer to allow traffic to empty out.

Mr. Balskus indicated that with these improvements they are going to retime that signal so they are going to give more time to where it is needed the most. If they need more time at that approach, then they'll get more time at that approach depending upon how they operate the whole signal that's going to be a rebalancing of the timing of the intersection with the improvements.

**Mr. Chris Kerin, MAI, CCIM, Real Estate Appraiser for Kerin & Fazio, LLC, 1129 Post Road, Fairfield, CT addressed the Commission.**

Mr. Kerin commented that the last time he was here he presented a real estate study and he was told that the Commissioners had some questions.

Chair Parkins asked about a news articles he referenced in his presentation, mostly pertaining to the market in the Stamford area and she commented that she read the same newspaper, Business Section and it does say that jobs report from the Government offers good cause for optimism due to hiring last month in areas like manufacturing and construction point to an underlying strength.

She added that she was curious because, she didn't want to say it but he slanted toward there being no manufacturing going on. She indicated that with what she has been reading it lends itself to the fact that there is, albeit slow, a return to manufacturing because people are recognizing the importance of manufacturing to their state economy. She added that she couldn't imagine that nobody is thinking in terms of it getting better.

Mr. Kerin responded that was a good point; however, he didn't know the specific article that she is referencing but yes, towns want manufacturing and the State wants manufacturing and they have this history in Connecticut of a strong manufacturing base; unfortunately, manufacturing has been in decline and it has been for quite some time. He indicated that some of the statistics that he went over last time regarding manufacturing is that statewide 2004 into 2011 and that includes the peak period of 2005, 2006 and 2007 that manufacturing statewide dropped almost 30%. Mr. Kerin stated that he thinks that in the long term, the economists that he hears speak on this issue talk about manufacturing continuing to decline in the United States but also in the Northeast. He indicated that they have statewide competitions where incentives are being offered to manufacturers to open shop at a lot of those new, large, manufacturing plants are not located in Connecticut where the land is expensive and they tend to be located down south.

Mr. Kerin stated that one thing he wanted to mention was regarding, not necessarily Shelton, because last time he talked about the State of Connecticut, Shelton and manufacturing but about this specific property and manufacturing. Manufacturing plants are usually large plants, this property is a large piece of land and they would be talking about a large footprint and that is difficult to accommodate on this site for several reasons. The largest reason is the topography of this site; when you do a large footprint, ideally you want a fairly level site to do that. Mr. Kerin commented that here they have a sloping topography which doesn't lend itself to one large building; it lends itself to a number of different structures such as the development they have today where they have single family and condo development that could be built into the hill and where you could work with the topography. He added that you couldn't have that in a large, industrial footprint type of setting.

Mr. Kerin commented that the other thing is the utilities. There is a gas line running through this property which is easier to accommodate with this site plan than it would be with one large footprint on the property. He stated that there is also a sewer line which would need to be relocated on the property if they were to go ahead and do one large footprint.

Mr. Kerin stated that he thinks the Traffic Report did a good job of pointing out the roadways and if you are bringing in truck traffic versus car traffic, there is an additional hurdle. It really comes down to the cost – what is the cost, if you are manufacturer and you are looking at putting a plant somewhere. Maybe you'd choose Connecticut, even if you have all these other opportunities in other states that are throwing money at you but Connecticut is also trying to pull in manufacturing dollars and maybe you'd pick Shelton, as he spoke last time, there are a lot of (inaudible) sites around and a large amount of vacancies in the market in Fairfield County, New Haven County and the Valley. He asked if it would be feasible to pick this site and he says that this is low on the list of properties where manufacturing would tend to call home because of the financial feasibility of it, if for no other reason.

Chair Parkins asked if it would not be fair to say that, supply versus demand, if they wanted to be located in Shelton that they would build if there was nothing available to lease.

Mr. Kerin responded that is a point well taken, yes and in a different market – right now they have a high vacancy and they've had it for a while. They had it prior to the downturn and the downturn just exacerbated it. There will come a time, hopefully, in the future where that vacancy gets cleaned up, as that is going on, new products come on the market and a lot of that vacancy may eventually get torn down if they are older buildings, and that's the reason why they've been vacant for so long is because they don't meet modern standards so that will happen over a period of time and it may get cleaned up at some point in the future. When you take care of that vacancy then new construction starts again. So, it is good point but he can't say positively that no one would ever put a manufacturing plant here, he can't predict what would happen in the future but he can say that based on his experience and in light of the current economy, and what is out there right now, he doesn't anticipate any manufacturer developing on this site into the foreseeable future.

Chair Parkins commented that he's been in this profession for quite some time and asked how many cycles he has seen these things go through.

Mr. Kerin responded that he came in during the down cycle in 1989. He was in school during the boom cycle in the mid 80's, and then '89, '90, '91, '92 that was a tough down cycle and then they had another bust around 2000, 2001 but this is by far the worst, the worst that has been in Fairfield County in this last episode.

Chair Parkins commented that if you are in manufacturing and you want to stay in Connecticut, Shelton is one of the first places you'd to look.

Mr. Kerin responded that he's sure that the Mayor would agree.

Mayor Laretti stated that it is a good point, that as he makes his way around the State, as he does, he knows that there are differing opinions out there about different uses. Some of the professionals will tell you that manufacturing is not coming back in the U.S. but in some sectors it is. It is not coming back in the grandiose fashion where it once was, creating a lot of jobs. Manufacturers have automated so they are using smaller footprints. The discussion, if it is centered around the large footprint, than Mr. Kerin's point would be correct; if it is centered around something that is more current to today's thinking...he added that believe or not, there are still people who still want to be in Connecticut as tough as it is to survive here financially, they still want to be here so people have to come in before they can't be here. They are seeing people moving to some of these vacant properties up on Forest Parkway. They are going to see an expansion on Controls Drive so he would respectfully suggest that Shelton is not the norm when it comes to these things.

Mayor Laretti commented that you can't use a one size fits all. He indicated that he gets inquiries about different types of properties but if properties aren't on the market and not for sale, these people aren't going to sit around and wait, they're going to move on to the next location. He added that his point is that there is a lot of varying factors that go into an area that have to be considered that don't always get discussed in a forum such as this one.

Mr. Kerin commented that was a good point, especially his point about the size and how the needs have changed. They discussed that at the last meeting when they were talking about office space and how the office user has shrunk what they now consider the typical office space with the same amount of employees and how that hurts the new construction of office space; it hurts the absorption of office space in the market. He noted that the same can be said of industrial space.

Mayor Laretti agreed and added that was why they are seeing more tenants in these office buildings than they typically would. He commented that there are some manufacturers that have been in Shelton for a number of years and if you drove up to their buildings, you would be surprised by how unassuming it is but if you walk inside you would see \$10M - \$15M worth of robotics equipment that go on the Grand List that don't become a part of this discussion. When you have an application like this, it is something that is a red flag for him. He commented that when an attorney that represents a client stands up in one of these public meetings and says that the market has changed and isn't coming back, and the last time Shelton built office buildings was 1989... Mayor Laretti indicated that he brought the record with him tonight to correct that; it is not true.

Mayor Laretti asked Rick Schultz if they didn't have application now for an office building coming in.

Mr. Schultz responded yes.

Mayor Laretti commented yes, as they sit here tonight. He reiterated that Shelton was not the norm.

Mr. Kerin clarified that the statement which he just made about office construction is not a statement that he made.

Mayor Lauretti responded he knows that and he understands that.

Mr. Kerin stated that the point he wanted to get across to the Commission is generally that, in this competitive market in Shelton and in Fairfield County there is high vacancy right now. Shelton's vacancy for industrial matches Fairfield County's vacancy by about 20%. The vacancy for office in Shelton matches Fairfield County by about (inaudible)...

Mayor Lauretti asked if Shelton didn't have the lowest vacancy rate in Fairfield County. Mr. Kerin referenced his notes and responded that Shelton's office vacancy rate in Fairfield County is...

Mayor Lauretti added for Class A...he went to their January meeting.

Mr. Kerin responded that 23% of office space is currently available for lease which is greater than Fairfield County at about 20%. He added that this is off CoStar which is a brokerage so it may be different and it does include space that is not on the market for lease but for people who are out of the space and sub-leasing the space or it is quietly offered so it is tenants that are no longer there and may not be actively listed.

Mr. Kerin commented that the main point is that if you are coming in Shelton, this is not the site where you are going to go – you are going to go to one of these other properties that are available for lease or another piece of land that is more suitable for that type of development.

Comm. Miller stated that as the Mayor was saying before, there are a lot of different factors involved that aren't really discussed in this forum. He added that his own background is in insurance, and another factor to consider is workers compensation. He indicated that workers compensation for manufacturing in this State, he believes, this State is the third highest in the nation because of their benefits and maybe Comm. Osak could recall those things. He added that it is really not conducive for manufacturing if you look at that – it is a very, very high number for workers compensation for manufacturing.

Mayor Lauretti responded that it wasn't conducive for municipalities either.

Comm. Miller stated yes, he knows, he's working on it. He added that he just wanted to point that out because when he talks to manufacturers and they talk about Connecticut, besides the taxes, everything that they say is about workers compensation being a killer and it certainly doesn't promote manufacturing in this state by any means.

Mr. Kerin responded that was a good point. He thanked the Commission and offered to answer any other questions.

Comm. Osak stated that this is the third hearing to vent on this particular subject. He added that he has listened to Atty. Thomas and Atty. Bellis and a couple of other experts and you're concentrating completely on the fact that this facility that they are proposing is better than an LIP use and you're making the constant comparison that LIP means industrial; therefore, there is no industry coming into Connecticut so the next best thing is this residential and assisted living. Comm. Osak commented that it kind of an argument that you're making but he has to tell them really that whole of Shelton which they call the Greater Route 8 Corridor underlying zone is the LIP. In other words, the large building with structured parking and ten stories high in the area bounded by Commerce Drive, Huntington Street, Trap Falls Road and Bridgeport Avenue is basically in an LIP zone and what they have in there is a PDD, an ability for a developer to come in to petition the Commission to essentially put something other than an industrial use there. He added that it has worked and it has been going on since the late 70's and it is still going on. It is a matter of timing and he knows that their argument is aimed at saying that there is very little industrial building going on, there is very little industry in this country although it's coming back but they can't make that the reason why they have to consider making this zone change. Their job is to provide a tax base generating taxes that reduces the amount of tax pressure on the residences so they have to have an overall plan. Comm. Osak indicated that that particular area was designed to provide that kind of tax base. He commented that he wasn't saying that this residential proposal is not a good one; it is something to be considered. High rise office

buildings with structured parking, hotels, assisted living facilities – all of these things produce high tax revenue without municipal cost – there are no children to educate and there is very little upkeep on the part of the City to keep them going. They are self-sustaining so he thinks that they have to kind of temper what you're saying about it being better than LIP because what LIP is producing is not factories, it is producing high tax income development and it will continue to do that.

Mr. Kerin responded that was a good comment. The taxes an important factor to be considered here. At the last meeting, there was a tax study that was presented showing the benefits to the town from this development versus an LIP. He didn't conduct that study but he recalls that someone here could address that issue.

Comm. Osak responded yes, he thinks they have a net \$750K of income after taking \$400K of costs from \$1.3M – he indicated that he was rounding off these numbers – and they are good, there is nothing wrong with that. He is just trying to temper the constant comparison of LIP not being good. LIP with a Planned Development District on top of it, properly applied, is good. He concluded that was his only point.

Mr. Kerin asked if there were any other questions.

Chair Parkins asked if there were any other questions from the Commission regarding the real estate or for the Applicant in general or requests for further information. She thanked Mr. Kerin and asked if Atty. Bellis wanted to respond before she opened the hearing up for the public.

Atty. Bellis indicated that he would like to let the public speak first and he will gage his time to speak after that.

Chair Parkins commented that was kind of him and she stated that it was approx. 8:10 p.m. and they will go no later than 9:00 p.m. for public comments. If there are still people wanting to speak at 9 p.m., then they can leave the public hearing open but they'll need an extension from the Applicant.

Atty. Bellis stated that he thinks that they will be able to finish tonight. He provided the sign in sheet of speakers to the Chair.

Chair Parkins responded that would be up to the members of the audience. The longer each individual takes to speak, the less number of people will be able to speak. She suggested summarizing their comments and that would be appreciated.

Chair Parkins reviewed the list of individuals wishing to speak and noted that there were only five people listed to speak although there are so many people in the audience.

Atty. Bellis commented that he wanted to start by saying that there was a petition that was passed around and it was signed by 155 people. He indicated that he would read it and submit it for the record. He added that obviously, that is why many of the people here have chosen not to speak.

Atty. Bellis read the petition which states:

I am a Shelton resident in favor of the Zone Change Application of Hawk's Ridge from LIP to PDD. The benefits to the City of Shelton are numerous, not the least of which is increasing the net tax revenue. It would insure no increased truck traffic on Long Hill Crossroads and Bridgeport Avenue. Similar adult-oriented residential communities have had a substantial positive impact to their City. This is an ideal location for the Assisted Living component of this application. The possible improvements to the two intersections on Bridgeport Avenue will alleviate traffic and benefit the entire City.

Atty. Bellis reiterated that it has 155 signatures and he submitted it for the record.

Chair Parkins thanked Atty. Bellis and clarified that there will be truck traffic for the next ten years for the construction though.

Atty. Bellis responded yes, that's correct.

**Skylar Wells, 5 Boysenberry Lane, Shelton, addressed the Commission.** Mr. Wells stated that he resides in Shelton with his wife on Boysenberry Lane. He indicated that he was a proud member of the Wells family and stands before them tonight in favor of Hawk's Ridge Development. He started out by providing a little background on the Wells Hollow land which was purchased in the 1700's.

Mr. Wells stated that the farm, just like the City of Shelton, has undergone many changes. In the early 1920's, CL&P installed high tension wires which cut the farm in half. In 1929, the Wells homestead, where his Uncle Nate still lives was moved to its current location in order to widen the Wells Hollow Turnpike now known as Bridgeport Avenue. In the late 1960's, the City of Shelton built a sewage treatment plant on the southeasterly part of the farm bordering the Far Mill River. The City upgraded this treatment plant in the mid 1970's to a high pressure plant. The farm was again split when the State built the current Route 8 Corridor. This resulted in the farm being split into two parcels, 27 acres of his grandparent's land being taken away by eminent domain. In the 1980's, the Iroquois Gas Line came through the farm as well.

Mr. Wells indicated that of the original six children of the Wells Hollow family, only four are still living – his Uncle Tom, his Uncle Nate, his Aunt Livisa (sp?) and his father Royal. He added that his Aunt Shirley, his Uncle Bob's widow who once resided on Long Hill Crossroad, is now in her 80's and resides in an Assisted Living; she is running out of money and needs her portion of this sale to pay her medical and housing costs.

Mr. Wells stated that the LIP zoning makes the Wells Hollow land virtually unsalable. LIP demand and use has been diminishing for decades and this trend will likely continue. By approving the Hawk's Ridge development, it will provide over a decade's worth of work for contractors who primarily reside in Shelton and generate beneficial tax revenue for the City the Shelton, as they heard from the experts.

Mr. Wells indicated that the Wells Family combined owns 218 acres of land which is all zoned LIP; only 37 acres of this land will be used for Hawk's Ridge. He commented that he was standing here before you tonight to tell people that there is still land – if there is a buyer out there and they want a building, there is plenty of land left. Only 37 of 218 acres of the Wells family land is going to be developed for Hawk's Ridge. Mr. Wells stated that he and his wife are in their late 40's and they are now empty nesters. They are looking forward to being able to downsize to this beautiful development. In closing, the word "change" means to make different, to transform, to give a different position or direction. Wells Hollow Farm has certainly endured changes throughout the years to benefit the citizens of Shelton; now it is time for the City of Shelton to make changes to their Master Plan to benefit the City and its citizens.

**Richard Meehan, 28 Elderberry Lane, Shelton addressed the Commission.** Mr. Meehan indicated that he and his wife, Katherine reside at 28 Elderberry Lane in Shelton. He thanked the Commission for the opportunity to speak this evening. Mr. Meehan stated that they built their house in 1981 and they raised their five sons here. Shelton has been their home for the majority of their married life which is coming on 45 years this August. He indicated that although he is a practicing attorney, he is not a land use specialist. He comes here tonight representing the growing segment of their suburban population, the Baby Boomers who are now 65 years old. Mr. Meehan stated that they have come to the realization that their five bedroom home no longer fits their needs or their lifestyle. Maintaining their one acre lot, its plantings and large home are tasks that they will find in the coming years to be simply be too much for them. They have been looking for a maintenance-included community that would give them the ability to live in a standalone single family home more suited to their ages and their needs and which is priced to fit their soon to be reduced incomes as they age.

Mr. Meehan stated that in Fairfield County the choices are limited. Trumbull and Fairfield offer such homes but the price points are way above the projected price points for Hawk's Ridge. He stated that they want to remain in Shelton. Their friends are here, and they know and love this community. He stated that they learned about this exciting proposal and they are both here tonight to endorse it and ask for your consideration and approval. He added that he has no financial interest in this project; rather he is just interested in becoming a future homeowner, if it is approved. He commented that he has seen the workmanship that Prestige Builders has brought to the homes they built in Heritage Point; it is flawless. For their price point, those seeking an

active adult lifestyle community cannot do better. Mr. Meehan indicated that the nearest alternatives for them are Oxford Greens which is too far for them to travel to see their 10 grandchildren who all reside in Fairfield. Chatfield Farms and Beacon Hills has been a financial nightmare for its residents. Having a stable, self-sufficient community with bylaws which will prevent dilapidation of units, private road and sidewalk maintenance is important to them. He added that to have a home pre-wired for a back-up generator is a bonus as well.

Mr. Meehan stated that they all know “the Berries” – they are one of the highest residential taxpayers in the City of Shelton yet every year they are faced with heaving, dilapidated roads complete with potholes, with all due respect to the Mayor. He continued that he can’t recall the last time there was any effort to pave their deteriorating streets but when it did occur it was oil and pebbles not hot asphalt.

Mr. Meehan stated that his specialty is trial law but what he remembers from law school about land use is that the concept of a Master Plan, and in particular, the role of this Commission as its stewards, is to serve the highest and best use of the land for the benefit of us - the residents of Shelton. He stated that when he considers that and contrasts the existing zoning of this long, empty parcel as LIP, he is at a loss to understand why anyone would want to maintain this property against the possibility of future development when there is an alternative that is attractive and viable before them which could put up 300 people to work for as long as a decade and bring in annually a net of about \$750K to this City’s coffers.

Mr. Meehan stated that their economic reality is that the need for LIP property cannot be considered strong; otherwise, there would be suitors to purchase this already. The hilly topography as they have heard doesn’t lend itself to LIP. He asked how many years this will lay empty waiting for a potential developer before it becomes a substantial tax generating parcel. He asked what tax incentives will any savvy commercial developer demand to put this on the commercial tax rolls. Mr. Meehan indicated that his generation as citizens of this City has contributed to the development of this City with all the residential projects that have been built in the last 40 years; they’ve been the community volunteers at their schools, churches, and sport leagues. He stated that they deserve an opportunity to scale down and remain in their town.

Mr. Meehan commented that his 90-year old mother-in-law lives on her own in Clearwater, FL. She fell a year ago fracturing her femur and his wife spent an enormous amount of time traveling back and forth to deal with her and monitor her from such a long distance. Recently she was diagnosed with early stages of Alzheimer’s. Two years ago she left her residence, a third floor condominium with the water running in the sink and flooded two apartments below her resulting in a lawsuit. Mr. Meehan stated that she insists on her independence as many of you who have older parents know, but they are facing the reality that in the near future she will need Assisted Living. The concept that they could have a new smaller home and on the same campus she could be cared for in an assisted living facility makes this project so desirable to people like himself with aging parents. The idea that they may even be able to walk to see her or her walk to see them is even more attractive.

Mr. Meehan stated that his generation is projected to live longer than their parents. There is no affordable alternative for us who want to live, not in a condominium with common law, but in their own home in the town that they love. He commented that they have had the luxury of enjoying their homes and contributing to the City’s tax base for decades, it is their interests which should be paramount, not the interests of some vocal minority who selfishly think their lives or their homes may be negatively impacted.

Mr. Meehan stated that for 36 years he had the privilege of serving as the president of the Bridgeport City Council and a proposal came before them at that time to allow the development of 90 acres on Park Avenue for the Regional Little League Baseball Facility. A vocal group of residents on the easterly boundary mobilized and came before the Council and defeated that proposal. It was a sad thing that they did to listen to it. Today, Bartlett Giamatti complex in New Britain houses the State and Regional Little League Facility. Mr. Meehan asked them not to make the mistake that they made in Bridgeport 36 years ago; to look at this attractive proposal, not to question of what possible future could be there. He credited the Mayor for fighting for the idea of Shelton being a growing industrial center because that brings jobs in but don’t lose sight of the fact that they, the ageing Baby Boomers, really want to stay here. He stated that they

don't want to go south, they don't want to run away or be "snowbirds;" they want to be here in the City that they love. He thanked the Commission for their attention.

Mayor Lauretti asked if he wanted him to address the road issue.

Mr. Meehan responded honestly, yes he does.

Mayor Lauretti stated that he will tell him unequivocally, Blueberry Lane was on the list to be redone this year except for the outcry of some neighbors who said "Don't do it because they'll drive too fast..."

Mr. Meehan responded "Put a speed bump in Mayor and tell us who they are so they can... (inaudible)."

Mayor Lauretti stated that there are plenty of speed bumps in there now so that's why he left it alone.

**Brian Mooney, 78 Thompson Street, Shelton addressed the Commission.** Mr. Mooney stated that he was in support of this proposed Hawk's Ridge development project. As a lifelong resident of Shelton and a plumbing contractor, he enthusiastically supports this project for many reasons. He stated that the development will serve the community of Shelton, enhance earning potential for local businesses, create jobs for resident workers and beautify the town while embracing a future piece of Shelton.

Mr. Mooney stated that Hawk's Ridge development will generate income both for the town and its business owners. They will drive town revenue by exponentially increasing the property tax revenue and promote successful local business owners to provide goods and services for the town residents. The increase in property tax revenue and local business aside, the project also introduces the opportunity for job creation on a large scale; job creation for Shelton residents that would commence immediately upon approval of this project. Due to the sheer size of the project, the large number of local people employed will finally have the ability to recover from the still struggling economy. Preserving this land for light industrial use doesn't really do much for anyone. The town gets a fraction of the taxes it could earn if the property were developed into multiple smaller residential properties. There is an abundance of property available that has already been developed for light industrial purposes all around Shelton and those properties sit vacant, eyesores that are nods to Shelton's past without a focus on the future. Construction of housing in this area's new version of manufacturing. Let's promote the industry that is in demand, local and begging to recover from the recession.

Mr. Mooney stated that the Hawk's Ridge development has the ability to perfectly illustrate the following statement made in Shelton's existing POCD which reads as "economic development can be broadly defined as any development that generates wealth for the community." This has traditionally been interpreted as commercial and industrial development that generates more tax revenue than it requires in services, creates jobs for local residents and creates multiplier effects as businesses and employees patronize other local businesses to meet their business's more personal needs.

Mr. Mooney stated that they are asking that the POCD be honored, help local residents and contractors create these jobs, embrace the multiplier effect of the good of local businesses and bring Shelton into a more realized, beautified city going forward. He added that very simply, as residents they are asked to support our local government in choice initiatives and they are in turn asking their local government to support us and our future. He thanked the Commission.

**Dan Martin, 4 Squire Lane, Shelton addressed the Commission.** Mr. Martin indicated that he was a resident and a realtor in Shelton. He stated that in his professional opinion, the addition of new construction projects such as Hawk's Ridge will be a plus for the community in a variety of ways. As with similar projects such as Heritage Point, Cranberry Estates, Wells Springs, the project will sell out as soon as the construction will allow. Building and development such as this in Shelton would provide tax benefits and job opportunities for local residents. The naysayers seem to think that office space and light industrial will provide more benefit; however, the present vacancy rate is not supporting that fact. He added that many others have said that

tonight as well. Hawk's Ridge will provide a type of housing that is appealing to professional, active adults as well as young retirees with disposable income. The National Association of Realtors provides statistics indicating where there are new construction projects aimed at the active adult population.

Mr. Martin stated that as a realtor, he has many clients that need and cannot find the type of housing provided by Hawk's Ridge. This particular type of housing will bolster quality of life and growth to their City. It is also of great consequence to the Wells family to sell this property knowing that future generations will thrive in this beautiful living complex. He thanked the Commission.

**Bill Banfe, 25 Riverview Avenue, Shelton addressed the Commission.** Mr. Banfe stated that it would probably be easier if he just "dittoed" the comments of the four or five people ahead of him because a lot of what he wanted to say has already been expressed. He indicated that he was a 41 year resident at 25 Riverview Avenue and he's been here long enough to see quite a bit of what has gone on here. He indicated that he has been following this project right from the beginning because he is in the 4<sup>th</sup> quarter of a football game when it comes to age and there are those of us who think that assisted living components like this are very important but it goes beyond that for him. Mr. Banfe indicated that he spoke at the hearing last June about the personal traits and characteristics of A.J. Grasso, what he thinks of him as a person and as a contractor. He commented that it goes farther than him, and he noted that behind him in the audience is quite a collection of highly skilled and professional local contractors who are part of his construction team. He underscored the word "local." A group whose talents are evident throughout the area, not only on projects like Heritage Point but on individual construction projects that benefitted many of them over this period of time. Mr. Banfe stated that he believes it is going to be their quality workmanship that makes this development another shining star for their community.

**End of Tape 1B, 8:32 p.m.**

Mr. Banfe stated that as far as this development is concerned, there are a few items that have been brought forth that he knows the Commission is going to review because he's heard their questions to various experts over the last 12 months. He read the letter from his Alderman which includes the thoughts of other Aldermen about the Master Plan of Development in the 60's and 70's as far as corporate, commercial, retail development in this corridor. He truly respects the work of Mr. Osak and other people who worked on that Master Plan because it was well developed and well thought out but times have changed. There is a residential component that might not have been thought about back then but when they look at Sunwood, Country Place, Avalon Huntington, the Renaissance and all those places and he thinks that there could be a balance. He commented that he thinks that both commercial, retail, corporate and residential can live in harmony because it has been evidenced already.

Mr. Banfe stated that the visual impact of this development will be minimal; it is surrounded by four roads. If they look at Heritage Point and see how it has been buffered, from a visual standpoint he would anticipate that in looking at the drawings that this would be the same. As the people before him have said, he thinks that this development would be good for the City from a financial standpoint. He doesn't know any one of us that would say good bye to three quarters of a million dollars in increased tax revenue to certainly provide additional services to the community and keep the taxes where they are. He added that surrounding businesses are going to benefit from 8 to 10 years of construction. When hundreds of people are brought in on a construction site like this, there has to be some positive benefit for other businesses.

Mr. Banfe commented about the previous presenters regarding the \$40 square foot for industrial space versus \$200 square foot to build industrial space. Numbers like that mean something to him because people want the opportunity to save a buck and get their business up and running then they'll look in that direction. When you look at the needs of their population in the future, he listened last spring and heard one of the experts say that in the near future 17% of the Shelton population in Shelton is going to be 65 years or older. Last month, he heard that by that same period of time, 37% of their population would be 55 and older so that means that about 15,000 residents in this town are going to carrying an AARP cards in their pocket before long. He stated that he thought that was an important statistic because when they look at the number of people,

there is a fraction that might need some type of assisted living services too. As far as he's concerned, those 196 units will be filled up rather readily. The 54 single family units and 57 townhouses will continue to fill a need for incoming people and as Mr. Meehan indicated, the empty nesters who want to downsize and let somebody else cut the grass and shovel the snow.

Mr. Banfe stated that with a project of this magnitude there comes an opportunity to meet the various sectors of their city. He sees no justifiable reason not to accept this application from his point of view as a resident and a tax payer and he urges the Commission to consider approving it.

**Paul Fitzgerald, 18 Garden Terrace, Shelton addressed the Commission.** Mr. Fitzgerald stated that he's lived on Garden Terrace for over 20 years and lived in Shelton since 1958. He stated that he wanted to reiterate the comments that Bill Banfe just made. He thinks this makes a lot of sense for the town. It looks like the right project in the right place at the right time. He indicated that his company is presently downsizing, he works for Coca-Cola, and they aren't looking to build a building. They are looking to find an existing location and move into something smaller and it isn't a project that you'd want to have in Shelton with all the trucks they use. There would be a lot of flak from the residents but this type of project here is absolutely perfect. He lives right up the street and he doesn't want to see more trucks in and out on Long Hill Avenue and Long Hill Crossroads zooming out into traffic. He added that he thinks this would be great for the people in town and he's surprised by the revenue it will generate. It seems like a win-win for everybody. He agrees with Rich Meehan, Bill Banfe and a lot of the other speakers.

**John Anglace, Alderman, 676 Long Hill Avenue, Shelton addressed the Commission.**

Alderman Anglace stated that he rises to oppose the name of "Hawk's Ridge." He joked with the Applicant and suggested the name of Eagle's Nest. He informed everyone that Tony Panico on Skype is awake and he's been watching him. He added that he thinks the Mayor came tonight because he knew he was going to speak and wanted to hear what he'd say.

Alderman Anglace presented the following statement:

Thank you for the opportunity to be heard and for your continued commitment in the pursuit of orderly planned growth for our great City.

A change of Zone is and should be a very thoughtful process since it involves changing the Plan of Conservation and Development (the Plan) that took many people, Boards and/or Commissions five drafts and over eighteen months to formulate. However, the Plan is not cast in concrete. Rather, it is a working document, subject to change if and when reasoned judgment indicates good and sufficient cause for doing so. The request before you tonight has more than qualified for being "well thought out" and having "public involvement" status over a considerable period of time.

The Hawk's Ridge request for zone change took a long time to reach this point, has been revised many times and to some, it is thought of as a model submission since it provided maximum citizen involvement prior to and during the time it was in technical discussions with Planning & Zoning staff. Citizens were involved prior to this public hearing.

Neighbors had several opportunities to become familiar with this proposal, verify information, ask questions and make suggestions. Some were incorporated. Tonight, many in the audience find themselves conversant about this submission; something not found in many other P&Z submissions that I have witnessed.

Several representations were particularly impressive:

- That this project is being proposed by a local firm with a very favorable local track record of providing good quality housing and hiring local contractors.
- That this project presents itself at a time when job creation has been stagnant for several years. Construction jobs are needed and the expectation is that these local jobs will last over an 8 to 10 year period.

- That a fifty foot (50') buffer will be maintained along Long Hill Cross Road but we want to be sure that, if approved, P&Z exercises its powers to ensure that the plantings in this buffer are of year round buffer quality.
- That very positive intersection improvement will be made at Long Hill Cross Road/Bridgeport Avenue and Saw Mill Road/Bridgeport Avenue.
- That the developer assured us that they will not "flip" the property if the zone change is approved. Otherwise, all other representations would be worthless.

Some concerns also surfaced:

- That the future homeowners at this site are informed or the ownership record show the presence of LIP Zoning across Long Hill Cross Road and that they are made aware that noise, lighting and traffic could be present in an LIP zone. The administration doesn't want to hear complaints that "no one told me that they were going to build a store or factory across the street." The developer should be given responsibility for this notification.
- That P&Z carefully evaluate the need for a through road from Long Hill Cross Road to Saw Mill Road using the PDD guidelines.
- That granting this zone change would interfere with downtown development. We respectfully disagree! Downtown and this request are two different types of housing markets...one being ownership and the other lease/rent. Different living styles providing good choices as offered here make our City a more attractive place to live.
- That this development will create traffic. Additional traffic on Long Hill Cross Road is a given regardless of how this property is developed. However, some neighbors analyzed the LIP versus Housing development build out of this site and reasoned that the LIP traffic generated would be heavier causing peak period congestion in both directions while the housing market would generate balanced time travel and traffic more likely to use Bridgeport Avenue than Long Hill Avenue thereby causing minimum stress on the upper section of Long Hill Cross Roads.

In summary, I believe there has been ample historical evidence submitted to show LIP growth in this area at a pace much slower than expected; the existence of ample available LIP space to lease or buy today at vastly reduced rates as compared to the cost to build new; an economy devoid of job creation over a prolonged period of time and the need for job creation in all segments of the economy which this project addresses using local artisans over a period of some 8 to 10 years.

The facts beg the question: how long we should hold to a Plan of Conservation and Development that is, at best, attempting to provide guidance in a stagnant economy? Should we hold our land owners hostage to a plan that restricts their land use and economic opportunity? Or, should we avail ourselves of this chance to match or exceed the net property tax revenues expected from LIP use of this site by making a Zone change that is compatible with our long term financial growth, provides the type of housing that is in demand and puts people to work for the next ten years?

Some might think that we should have patience and wait until the Plan of Conservation and Development process reconvenes in a year or two before making a zone change decision. After all, more people would be involved in the decision making process. I don't mind telling you that the thought also crossed my mind. There is no doubt that that might work from a Zoning perspective except for the fact that it isn't fair to those who have relied on the current plan and the process in place which allows zone change request submission, processing and decision making during the ten year Conservation Plan existence. The logic to postpone would reward those who submitted Zone change requests early in the life of the plan and penalize those who waited to submit Zone change requests toward the end of the life of the plan. Putting off a decision or denying this request on the basis of this logic may leave the City vulnerable to challenge but, more importantly, it would be a disservice to those we serve.

I know that you will use enlightened judgment to decide this request and hope you agree that approving this Zone change will result in positive value for the City of Shelton.

Overall, there seems to be a neighborhood consensus that the change of zoning from LIP to a PDD Zone would, in many ways, be a positive step. We hope you agree. Thank you for the opportunity to be heard.

Chair Parkins asked if there was anyone else in the audience wishing to speak.

**Ingrid Waters, 261 Long Hill Cross Road, Shelton addressed the Commission.** Ms. Waters indicated that she wanted to make a short comment on Tom Harbinson's letter regarding the thru road. She stated that she tends to agree with him that that road should not be there due to the topography of that land. The additional car traffic that would end up Long Hill Cross Road if that parcel of land near Hawk's Ridge (inaudible)...car traffic would not be significant compared to the tremendous through traffic with this connector road (inaudible)...the (inaudible) traffic study minute by minute 24/7, she knows when trucks come through there and cars come through there so the additional car traffic from Hawk's Ridge into LHC will be insignificant and will not cause a problem. Thank you.

Chair Parkins stated that there were a few people that have come up with letters. If anyone else has a letter they can present it to the Commission. They don't have to read it aloud, if not, and there is no one else wishing to speak, she'll ask the Applicant to respond.

**Atty. Dominick Thomas, 315 Main Street, Derby, CT representing the Wells family addressed the Commission.** Atty. Thomas asked to show one slide and commented that it was the focus of what he was going to say. He presented a slide regarding tax revenue totals. He stated that this is what Comm. Osak was talking about, what the Mayor was talking and this is the money. This is their definition in their POCD of economic development. He stated that economic development is not a use. Economic development is a result. There have been three public hearings and there has been ample opportunity for an expert to come in and contradict this. The fact of the matter is, and as Comm. Osak asked last time and he responded, they are not saying in any way, shape or form that there will be no light industrial, there will be no office but the fact is that it has changed.

Atty. Thomas stated that today during lunch after being at the United Way meeting in the morning in which this same issue was brought up – the changing businesses and the way businesses have shrunk, he was reading the Connecticut Law Tribune and there was an interesting story in it about how larger law firms, people who occupy office space are shrinking. He read a couple of quotes from that article – “law firms with 50 or more lawyers (90% of the people surveyed) said that the legal market trend of having fewer support staff is permanent.” He added that those many jobs that were cut during the Recession are never coming back. All of this is because of technology and it applies across the board – to manufacturing and to flex buildings and Class A office buildings. Atty. Thomas stated that what he would like them to do in their research is to go back, he knows that you don't want to read things that Dominick Thomas said back in the 1990's and early 2000's - but when he was pushing the Commissions for commercial development. He stated that he went back and reread some of those minutes and in 2006, June 20<sup>th</sup>, June 13<sup>th</sup> – he asked them to read those minutes – he was proposing commercial development and the comments that were made were “commercial development is not economical development...” He indicated that was a comment that was made and at that time Mr. Panico pointed out very well that if nothing was on that property which had an abandoned light industrial building then there would be no economic development, there would be no generation of wealth. There is abundance of not only land but of buildings that can easily be reconverted. He added that they have seen that happen. They have seen it happen at Bassett, Raveis relocating, and that is what is happening so what they are asking the Commission to do is to look at that.

Atty. Thomas referenced the PowerPoint slide and stated that those are the numbers. The first column is R-1 (negative tax impact). R-1 is the opposite of economic development; it is a detriment; it is a draw. It is where your school children are and where your impact is. He stated that they have shown them the statistics and he won't repeat it. These kinds of developments have very little, if any school children, they have the experience.

Atty. Thomas commented that LIP generates some income but very little income. He added that what the Mayor said is absolutely correct that for industrial what is inside the building is what

generates their taxes. He indicated that they are not talking about putting a BMW plant on this site, or frankly anywhere in Shelton if they are talking about something like that. He reiterated that what the Mayor said is true and that is why they gave them three flex buildings. If you take that and you create things inside of those buildings – robotics – that double or triple the net tax revenue, it still won't reach the numbers in the last column. It is easy math and even he who didn't do well in math can look at it and see that. He stated that economic development is generating wealth. He closed with a letter that should have been presented to the Commission.

Atty. Thomas indicated that this letter, when it was handed to him, was extremely – it has the concise statement of a lot of things but one of the things in the letter was something that he's been saying when they talked about commercial. When he stood before this Commission and said that we need larger daycare centers in the office area because many of the thousands of people that come to work want a daycare near where they work; they need restaurants because they need to eat near work; they need banks; they need shopping – all of that has not only created economic development, it has enhanced the office space.

Atty. Thomas said that if they go back and read those June 2006 minutes, the project that he was talking about was Longhorn's, Chili's and the bank. A comment was made by a commissioner at the time that "they have enough restaurants and these are going to just fail..." and that commercial development is not economic development. Last night, Tuesday night, both of those restaurants were full because they enhance things for the people of Shelton and for people working in the Corporate Towers. He referred to the letter dated February 24<sup>th</sup> which he assumes is a part of the record and was handed in. It is addressed to Royal Wells.

He read the letter:  
Dear Royal,

You have asked me to write a letter concerning the feasibility to develop the property along Long Hill Cross Roads as a commercial development. As you know I have looked at this property extensively with you and your family over the years, he did many feasibility studies on it because of the topo of the property, the Iroquois Gas Main, the Shelton Sewer Main and they always came to the same conclusion that it is virtually impossible to develop economically an office building or flex-type because of the topo.

It was always his recommendation that some kind of residential development should go there where you could follow the topo or work around the easement.

Atty. Thomas stated that this is the most significant statement and the one that he is going to leave them with.

The fact is that the more affordable residential properties around our commercial properties would make the commercial properties more valuable.

Atty. Thomas commented that he thinks that when they are looking at that paragraph in their POCD they have a proposal that clearly generates wealth and even if Volkswagen was to decide to build a plant here 10 years from now they would never catch up with the taxes. They are going to create jobs, they are going to keep people like Rich Meehan in town so he will continue to spend money in town and they will enhance the office and commercial buildings.

He finished reading the letter:

Please feel free to have anyone who may have additional questions concerning this property, call me.

Sincerely,

Robert D. Scinto  
Chairman, Scinto Development

Atty. Thomas stated that he would leave the Commission with that because they really aren't having a battle of experts because there have been no experts who have contradicted anything that they've said but if there was ever someone that is an expert about how to develop the Route 8 Corridor, it is Mr. Scinto. He thanked the Commission.

Chair Parkins thanked Atty. Thomas and told Atty. Bellis he had four minutes to comment.

Atty. Bellis responded that he could do it and would change his format because of the four minutes. He stated that he hopes this presentation gave them a clearer picture of why they think this application is the right project for this site and the right project for the benefit of the City. It meets all of the regulations under 34.5 and 34.9 for PDD. He added that everyone is entitled to an opinion and he respects the opinion of a lot of people in this room but as far as making a decision on this application, he thinks that they should look to the facts that they've presented. He commented that he wouldn't reiterate them because of the time but he read something that came from their own Planning & Zoning Staff – there have only been three new light industrial permits issued in the entire City in the last 10 years and there has been no new construction on Long Hill Cross Road in 32 years. He stated that those are facts. Things can change but there are certain things that are just facts, not opinions such as vacancy rates, cost of building new construction versus buying an existing building, topography of the land – these are facts that they have presented.

Atty. Bellis indicated that he thinks that it has been made pretty clear that when you have these adult-oriented communities you are going to get a positive tax flow for the town. They may have an opinion whether it is more or less, but he doesn't think that they can debate that it will be a positive cash flow. Assisted Living is very much in demand now. They can go to other towns and they have, but clearly he doesn't think that there is anyone who thinks that doesn't bring positive cash flow to the town with very little services. He referenced their own Plan of Development and it clearly states that that Shelton's population age 55 and older account for 25% of their population and that is expected to grow to over 35% by the year 2020. He commented that they may think of the year 2020 as being far out there but these guys are still going to be building this project into 2020 – it is an 8 to 10 year project. He stated that they have already heard that a lot of people, the kind of people that they'd like to keep in this town, that are active in community and have high net worth – they would like to stay, and they don't want them to leave. He thinks that this kind of project will be conducive to that and meets their Plan of Development.

Atty. Bellis concluded that these guys have worked very hard in listening to the Commission's comments. Comm. Harger spoke about the first application, about perhaps reducing the density and they have reduced the density by 21% with this new application.

Atty. Bellis referenced a comment from the first application about changing the road layout so it wouldn't be so cookie cutter. They have done that and worked with the neighbors and some of the neighbors have spoken, to make this project something nice for the neighborhood.

Atty. Bellis commented about the number of people present tonight – 75 or 100 people here in support of this application. He added that you never see that kind of support for an application. It means that there are going to be jobs - and that is important. This Plan of Development was written in 2006 and in 2008 there was a Recession and it has been lingering – these men and women need to work. The Applicant is willing to work with the Conservation Commission to save some of those stone walls and trees and they are willing to do easements and make buffers. The Applicant has worked with the light industrial neighbor and he came to testify in favor of this application because Comm. Parkins had some concerns about noise in the last application. It has been alleviated with that LIP user.

Atty. Bellis stated that with all said and done, if they look at the facts, that this project really makes sense because of the site and that is what they are really talking about with a PDD. It makes sense because of the site where it is and it certainly makes sense for the City of Shelton. Those are his closing remarks and he requested that the hearing being closed. He thanked everyone.

Chair Parkins thanked Atty. Bellis and asked if there were any other questions or comments from the Commission.

Comm. Dickal asked for clarification about the acreage because she thought it was stated to be 41 acres but tonight someone said 36.

Atty. Bellis responded that it is 41 acres. A comment about 37 acres was made about the other Wells properties so that's where that came from but to be clear it is 41 acres.

Mayor Lauretti commented that he had no other comments but asked if their intent was to close the public hearing or keep it open for another couple of weeks.

Chair Parkins responded that it was her intent to close it because there is no further information being requested. If they keep it open, they would need to keep it open for fact finding.

Mayor Lauretti stated that he wanted to respond on a couple of factual points that he would refute, not necessarily the merits of the project but the facts about things that go on or don't go on and how it affects Shelton's ability to process other applications in the future. He has to do some research on a few things.

Chair Parkins stated that as *ex officio* you could certainly participate in their discussion after the public hearing but the Applicant won't have the opportunity to refute anything that he is presenting.

Atty. Bellis responded that they are OK with that. If the Mayor would like to submit those comments, they don't need to refute them.

Mayor Lauretti stated OK.

Chair Parkins commented OK and 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 #13-17.**

Chair Parkins thanked everyone for spending the evening with them and announced that they would continue with the next public hearing after a brief recess.

**9:05 p.m. – 9:15 p.m. Recess**

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

**APPLICATION #14-02: CODESPOTI AND ASSOC., 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)**

Chair Parkins reconvened the meeting with the public hearing for Application #14-01 and asked the P&Z Secretary to read the Call of the Hearing and any applicable correspondence.

Comm. Harger read the Call of the Hearing for Application #14-01 and Application #14-02.

Chair Parkins clarified that this public hearing would be for the Application 14-01 and 14-02.

Comm. Harger read applicable correspondence from Inland Wetlands, City Engineer and Fire Marshal.

**\*See attached correspondence dated February 25, 2014 to Richard Schultz, P&Z Administrator from John Cooke, Inland/Wetland Coordinator.**

**\*See attached correspondence dated February 24, 2014 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal regarding Application #14-01.**

**\*See attached correspondence dated February 24, 2014 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal regarding Application #14-02.**

**See attached correspondence dated February 25, 2014 to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer.**

**Robert Wheway, P.E. and Principal, Codespoti & Associates, P.C., 504 Boston Post Road, Orange, CT addressed the Commission.** Mr. Wheway indicated that they were here tonight on behalf of the owners of both properties, Mr. Brennan and Mr. Ades who are both present in the audience to answer any questions. They are here for two applications tonight and as he understands, the two applications will be merged in terms of the presentation for 7 Progress Drive and 4 Research Drive.

He submitted the Certificates of Mailing which were sent out as a part of the Public Notice process.

He began with a site drawing of the 7 Progress Drive property and indicated that under existing conditions shown on Sheet SP1 of their site drawings, that drawing depicts the two properties hand in hand and shows the existing features on the site in terms of both the building and the parking areas. He explained that for 7 Progress Drive, it currently has 23 parking spaces located both in the eastern portion of the property and also the western portion of the property. Under the proposed plan, they are proposing 14 new spaces, to be used exclusively for 7 Progress Drive and that is shown on Sheet SP2 of the drawings.

On Sheet SP2, Mr. Wheway showed the designated parking on the westward portion and 10 spaces up in the eastern portion of the property. He reiterated that these spaces will be used exclusively for use by 7 Progress Drive. He stated that when this was approved back in 9/14/95, the Commission at that time had approved a total of 42 parking spaces for the property in addition to a total building square footage of 20,904 square feet. He indicated that what actually got built on this site was the development on Sheet SP2; they will see that does alleviate what the additional 9,000 square feet of the building could encompass under that 9/14/95 approval by the Commission.

Mr. Wheway commented that they also had a second area of parking located on Lot #4 and he pointed out that location on SP2.

Chair Parkins asked Mr. Panico for clarification that he could hear the presentation being given on Skype without the microphone.

Mr. Panico confirmed that he could hear the speaker and also had his own set of drawings so he is all set.

Mr. Wheway showed an area planned to be set up as a ground lease in benefit of 4 Research Drive for their particular use on the property. This particular area here will encompass a total of 98 parking spaces. He reiterated that these 98 spaces are going to be isolated from the other spaces over on Progress Drive. These 98 spaces will have access from 4 Research Drive through a curb cut and he showed the location where that would be set up and get backed up into that main parking area located through there.

Mr. Wheway stated that one of the features that they've incorporated into this parking area is that pavement section through there is going to be a pervious concrete pavement section and design. That will serve a couple of benefits, in essence, the pervious concrete they don't consider to be impervious because of the fact that it does let rain water and storm water run through it, filter through it and percolate into the underlying ground.

One of the main benefits that you get from the pervious pavement deals with storm water management. When you take a look at the pavement section, the concrete is typically 6 inches thick and has a void ratio approx. 10% to 12% and it sits on top of a stone layer that for this particular design they are targeting a 12 inch depth, 1 inch broken stone and that 1 inch broken stone in essence has about 40% void ratio. So, they take a look at what this pavement section can store in terms of storm water. There is quite a bit of runoff that gets stored in that area. In conjunction with their City Engineer, they took a look at the storm water quality aspects because the storm water detention/retention has already been designed and accounted for in the initial

development of this particular area. So they were focusing more from the water quality perspective and this is what DEP is pushing in terms of their goals when it comes to water quality management. Mr. Wheway indicated that is really the main feature of the parking that they have in that area and that basically summarizes what they proposing for 7 Progress Drive.

Mr. Wheway stated that he would go over to 4 Research Drive which is identified on Sheet SP2 as being Lots 1, 2 and 3. Right now that site has approx. 559 parking spaces located on it. Based upon tenant need for the existing building they are requesting to increase the number of parking spaces to a total of 756 spaces. The increase in the number of parking spaces is going to be accommodated through a combination of restriping and new construction. They have approx. 46 spaces located through Lots 1, 2 and 3 that will be reconfigured and they will be able to pick up the 46 spaces just through a restriping process. The remaining 151 spaces that will be added through new construction, again, are identified in Lot 1 area, the majority up in Parking Lot 2 and the remainder are associated with the ground lease located on 7 Progress Drive which would be turned over to a lot for Research Drive.

Mr. Wheway reiterated that out of the 151 spaces, 98 are located in that ground lease area. As part of this particular application they are requesting to modify the Statement of Uses and he believes that has been submitted as part of the application. One of the main modifications that they have been looking to include in that Statement of Use is basically to narrow the width of the parking stalls out to an 8 foot minimum to facilitate lines to get more parking in there.

Mr. Wheway commented that if they look at the details through the majority of the parking they have identified parking with the 8 ½ foot minimum of the new areas but by changing regulations and getting it down to 8 feet will provide some flexibility when it comes to restriping and possibility to of picking up a few more parking spaces along the way.

Mr. Wheway stated that the other item which he needed to make a clarification on regarding the Statement of Use is going to be on Page 4 of 6 of the Statement of Use and it deals with off-street parking. He indicated that what is shown on the Statement of Use right now is a request for 3.75 spaces per 1000 square feet. In taking a look at the total number of parking spaces that they were adding, that number is actually going to be 4.5 so they would like to include that as a part of the amendment to the Statement of Use. He reiterated that would be Item 7A identified as 4.5 spaces per 1000 square feet instead of what is written in there for 3.75.

The remainder of the Statement of Uses has been updated and formatted to be more in harmony with the standards that the City of Shelton has with regard to the Statements of Use that are out there. Mr. Wheway commented that what was read into the record at the beginning of the hearing, they have received all favorable reviews from all the departments who reviewed the project including the City Engineer, Fire Marshal and they have received approval from the Inland/Wetlands Commission. He concluded that was a summary of what the two applications are about so he'll be happy to answer any questions that the Commission has.

Comm. Harger asked about SP2 and the parking breakdown, existing parking Lots 1, 2 and 3, the total of 559 and if the math was correct because she adds that up to be 563.

Mr. Wheway commented that he would go through the calculations – someone from their office did all the formulation on this but he is out of town so he added the Lots 2 and 3 (inaudible)...Comm. Harger showed him the location of the calculations that she was questioning.

Mr. Wheway submitted a set of plans for the record stating that some minor modifications were made to the plans. This set is revised through 2/25/14. He will have to compare the charts on the parking because he isn't sure if anything changed on there in regard to the parking.

Chair Parkins asked if it indicates what was revised.

Mr. Wheway responded that it should be indicated up in the revision bar. He distributed copies of the revised plans to the Commissioners. He indicated that the drawing on the easel has been revised through 2/25/14 too. In regard to the error in math calculations, he commented that he

believes that there were some loss of spaces in doing the configuration but he will have to double check and give them a confirmation on that.

Comm. Tickey asked if these were all traditional spaces or if there were any charging stations for electric cars.

Mr. Wheway responded no, there is nothing proposed at this time with that.

Comm. Harger asked what the surface lot (inaudible) for right now. She asked if that was a paved area.

Mr. Wheway responded if she was talking about this – there is existing parking and the remainder of it is all wooded and they have the wetlands systems which runs between the building and the parking.

Comm. Harger asked about the current status of Lot 2.

Mr. Wheway responded that again, this is the existing parking and he showed the portion that became grass and the area of tree line near the wetlands. There won't be any clearing for parking Lot #2 area but for the Lot #4 it is obvious that there is going to be a lot of clearing. They are going to have to do a lot of grades again with the pervious pavement – that type of section typically goes in flat to lie and provide for the storage underneath. He noted that the topography up in there, there is a high point that runs through the property line here and everything slopes down toward the wetlands. He stated that area will be getting leveled off to accommodate the parking area.

Chair Parkins commented that California Closets has some trucks that they store behind their building. She asked if that parking lot was going to be big enough to include this storage bin.

Mr. Wheway responded that he isn't sure where they do the storage but Mr. Brennan may be better able to answer that. He showed the location where they have two loading docks but he's not sure if that is the area that she is referring to as part of their storage.

Chair Parkins stated that they are out in the open so maybe they are in that back lot. She added that she drove through there to the back and had to turn around because she couldn't go through there. She stated that obviously they aren't going to give up space if they need it.

**Rob Ades, 4 Research Properties LLC, Shelton addressed the Commission.** Mr. Ades indicated that those trucks are going to go to that 22 spot area that Bob referred to.

Chair Parkins asked if that would be sufficient.

Mr. Ades responded (inaudible)...

Chair Parkins indicated that the lot in front would be for employee parking, visitor parking and the back is for the storage and trucks. She asked if there would be access to Lot #4 from Research or only through...

Mr. Wheway responded that he had to emphasize that the parking proposed in this location, the 42 spaces here are really segregated from the ground lease area. There is going to be a fence that separates the two and there is also going to be anywhere from 6 to 18 inch high curb/retaining wall set up to divide those two areas.

Comm. Harger asked what type of fencing they were proposing.

Chair Parkins added that she hopes it is something attractive, she would assume.

Mr. Wheway looked through the drawings and said he wasn't sure if they had a picture of the fencing. He commented that it does not look like they included any specific details regarding the fencing.

Mr. Ades commented that right now it has an 8 foot chain link fence that is going to be (inaudible) so that you can't see through it.

Chair Parkins asked if he means slats.

Mr. Ades responded slats, yes but that is really a placeholder and he and Steve were going to come together and decide what kind of fencing would be appropriate. The idea was that it would lock outside his view into his parking lot but with something that blends into the environment. He commented that they would probably use something green. Jack, Bob's partner had mentioned to him that it would be good to use fencing now that actually looks like turf, grass or weeds or whatever and that goes around the fencing to sort of blend into the environment.

Chair Parkins asked whose responsibility would it be to maintain the fence. She asked who would take ownership of that.

Mr. Ades responded that was a good question. It is his responsibility to install it and get it up. Once it is there, he will discuss it with Steve but he assumes it will be Steve because he's maintaining his current fence right now.

Chair Parkins stated that they will need to know who is going to take over the maintenance of it.

Mr. Ades responded yes and it will be maintained.

Comm. Harger stated that she'd like to see some examples of it.

Chair Parkins asked about what he said about there being a couple of feet of curb or wall of some sort.

Mr. Schultz clarified that there was a grade change there.

Mr. Wheway responded 18 inch high so in other words it is going to go from the height of a standard curb of about 6 inches so when you get down into this back corner on this side you'll have a regular curb reveal and on the backside it is going to be about 18 inches high.

Chair Parkins asked if it would be of asphalt.

Mr. Wheway responded that basically it is a just a modified curb section is all that it is – its concrete.

Chair Parkins asked if it would be concrete block.

Mr. Wheway responded no, poured concrete.

Chair Parkins asked if that was in an area that would only be visible to people in that parking lot.

Mr. Wheway responded yes, if you are on Lot #4, the so-called curb/wall is going to look like a concrete curb. If you are standing in this parking lot and look at this end, you will see a 6 inch curb and when you look down here it is only to be about 18 inches.

Comm. McGorty stated that it is just in that one lot.

Chair Parkins commented that she was more concerned about the visual from Lot #4. (inaudible) between the curb and a fence...

Comm. McGorty asked about the fence and wanted to find out about that is going to be.

Chair Parkins asked them to provide a little bit more detail on that is going to be treated.

Mr. Wheway responded that they could get them a sheet on that.

Comm. Harger asked what they are doing (inaudible) in Lot 3...about the existing tenant for Lot # 3.

Mr. Wheway responded yes, there are current tenants in there but he thinks that Mr. Ades is entertaining...

Mr. Ades responded that there are multiple tenants in the building – 7 or 8 tenants.

Chair Parkins asked if they were staying and then someone else was coming in.

Mr. Ades responded yes, exactly.

Chair Parkins asked if whoever was coming in obviously needs a lot of parking because they don't typically get the reverse – people are usually looking to reduce the parking not to increase.

Mr. Ades responded that the new tenant who is coming in is parking intense.

Mayor Lauretti commented that they should have held this hearing first for the benefit of the audience that was here before.

Chair Parkins commented that she wasn't good about judging but the 8 inches with the 6 inch difference – she asked if they were proposing 8 foot striping on all the parking or just in certain areas.

Mr. Wheway responded that they just put the 8 foot in the Statement of Uses so that it gives the flexibility and if they need to put more – if they need accommodate more and more cars – he has to look at the Zoning chart there are a number of additional spaces that could be accommodated if they go down to 8 feet. But the intent, if they look at the details on Sheet SP2, the initial intent is to stripe those at 8 ½ feet in the new areas in here. Mr. Wheway stated that the parking counts that would be in here with the 756 are based on 8 ½ feet.

Chair Parkins asked if that was also for the current ones. She asked if all the current ones were 8 ½ feet.

Mr. Wheway responded that they were 8 1/2 feet.

Chair Parkins stated OK because there are a lot of big SUV's out there (inaudible)...she asked if the 8 foot was worst case, if they need to restripe to accommodate more cars.

Mr. Ades responded that most likely they would only do it certain areas and they would designate it with signs as a compact car area.

Chair Parkins stated OK. She asked if the only additional landscaping being proposed is in the back.

Mr. Wheway responded that the plantings (inaudible)...adjacent to the wetlands...wall along the easterly portion (inaudible)...When you get with what is up here for the parking expansion in Lot 2 (inaudible) ...right now it is pretty much a grassy area.

Chair Parkins asked if there wasn't going to be a lot less grass space there now though because of the added parking.

Mr. Wheway responded that they are pushing it out. They did the overlay on here and you can see that buffer between proposed parking and street line is definitely smaller so this will be coming out here and they'll be doing some regrading in this area.

Chair Parkins asked if they could get some nice plants in there – a little bit of landscaping.

Mr. Ades responded that he most certainly will, again, this is a valuable asset for them ...

Chair Parkins added that it is also a very prominent corner.

Mr. Ades agreed and they intend to keep it beautiful because it is in their own best interests for aesthetic reasons as well as to attract tenants. They want it to be a beautiful building and a beautiful area where people can come to work.

Chair Parkins stated that she honors his word absolutely but from the Commission's standpoint they have to put that in their approval because if they don't then someone could change their mind and that sort of thing. She added that they will look for some landscaping there.

Mr. Ades agreed, absolutely.

Mr. Wheway asked if there was something specific that the Commission would be looking to have there. He asked if they were looking for street tree plants or buffer plants.

Chair Parkins responded that detail could be worked out with Staff – something low maintenance. She joked that it couldn't be plastic plants.

Someone commented "like those flowers on River Road...at the carwash"

Chair Parkins stated that she had no more questions on the site plan but ...Mr. Panico indicated that he had some questions on the site plan.

Mr. Panico asked if there was any reason why the connection to the new Lot #4 could not be made at the end of that entry drive coming in from Research rather than double loading behind the building with all that traffic.

Mr. Wheway pointed out the Lot #4 area asked for clarification if that was the right area.

Mr. Panico stated yes at that location. He asked why they couldn't come directly in at that location instead of going to the outer corner.

Mr. Wheway responded yes, they could but there is a grade separation distance there. He asked him to take a look at the distance provision for parking in that area, it is around 310 at the property line with elevation 314 in that corner.

Mr. Panico commented that if you look at 309.4 and the closest he got to that is 310. He asked what he could be – 6 inches.

Mr. Wheway responded no, the existing parking is about 310 at that location and the spot grades back at the property line are about 314.5 – about a 4 ½ foot difference there.

Mr. Panico asked where he saw 314 because he doesn't have that grade on the drawing that he is looking at.

Mr. Wheway responded it was on Sheet SP1 which is the existing conditions.

Mr. Panico commented that there was a ridge to cut through but they are cutting that ridge anyway. He's cutting down the ridge to nothing more than a strip to begin with.

Mr. Wheway responded right, but the parking ...

Mr. Panico stated that he was cutting it down to 310, 309 ½...

Mr. Wheway responded right but the parking, if you take a look at – there is a 312 contour that wraps into the parking spaces. It looks like it is about 3 spaces back from the end.

Mr. Panico stated (inaudible) and asked him to look at SP3.

Mr. Wheway responded that is what he has too.

Mr. Panico stated that if he identifies a spot elevation in that corner of 309.4 (inaudible)...

Mr. Wheway responded yes, that is proposed.

Mr. Panico stated OK, that is proposed and the existing bituminous can't be any more than about 310.2 or 310.3.

Mr. Wheway responded no, it is at – if he takes a look, the existing that is just opposite that is at 312.

Mr. Panico stated that he can't see the 312 that he is referring to.

Mr. Wheway responded that if he is looking at the spot elevation of 309.74 and he looks a little bit to the left of that there is a 312 contour that wraps through the gutter line.

Mr. Panico commented (inaudible)...he stated that he doesn't see that on his drawing ...he asked Mr. Wheway to take another look at because he probably has better information.

Mr. Wheway explained that there is a 312 contour and then when you look back up to the (inaudible)...

Mr. Panico asked if he was talking about existing or proposed when he talks about 312.

Mr. Wheway responded that was existing – it is on the existing Parking Lot #3.

Mr. Panico asked what good that was. It is all going to disappear.

Mr. Wheway responded no.

Mr. Panico commented that in looking at their proposed improvement, they've got pavement within 4 or 5 feet of pavement so all they've got is a very narrow strip and on each side – the pavement on one side is 309.4 and the pavement on the other side is probably 310.4.

Mr. Wheway responded no, it is 312.

Mr. Panico responded that it can't be. The pavement cannot be that ...he stated that the map he has is wrong then because his map says 310 at just about inside the line of the build (inaudible)...he asked if that was wrong.

Mr. Wheway commented no because that grade comes up. He added that he sees where he is saying that he has the 310 contour now and he has that right here. He indicated that if you go down 1, 2, 3, 4, 5, 6, 7 – seven parking spaces towards Progress Drive, there is a stub of 312 contour there.

Mr. Panico indicated that he understands what he is saying but at that point where he has the corner spot elevation of 309.4, the pavement elevation on the existing parking area can't be much more than a foot in difference and you're talking about a little spine that is left that they might have to take out.

Mr. Wheway responded that it was 312.

Mr. Panico stated OK, it is 312 then – but it extends for a distance of 5 feet.

Mr. Wheway responded well, no...

Mr. Panico commented ...he asked him to do him a favor, if he thinks that is the reason, draw a cross-section and send it to Rick and he'll send it to him. He asked him to give him a cross-section through that corner from the existing driveway pavement to the new parking lot pavement.

Mr. Wheway responded yes, no problem.

Mr. Panico stated OK, and then maybe he can understand it better.

Mr. Wheway commented that he has to understand that when you do that cross-section you are going to see that the existing pavement is going to be about 2 ½ to 3 feet higher than what they had with the pervious. He added that he can't take and raise the pervious up because that it is going to increase more and more fill that goes out to the back of the wetlands.

Mr. Panico responded OK, he added that he guesses that he just can't see it on his drawing. He'll believe it when he sees it on a more detailed cross section. In talking about the pervious pavement, he has heard a lot about pervious pavement but he has also heard that there is a lot of maintenance situations that are associated with it and with time and the use of the sand, etc. on the parking lots in the wintertime, the perviousness deteriorates. He asked if there was any way he could assure that that will not happen. He asked if there was a maintenance program that could prevent that from happening.

Mr. Wheway responded yes, they have done a number of these designs with the pervious pavement and there is always a maintenance plan and program that needs to be implemented. He explained that the whole concept is relatively new and it may be new to Shelton but one of the goals of the pervious pavement is when you put that in you don't need as much sand, you don't need the de-icing agents and everything else that goes along with it because of the way that the pervious pavement works. The snow doesn't accumulate; it basically just filters right down through the pavement. He reiterated that sanding is not recommended and this particular application here is actually an ideal location to put it because it is an isolated system, an isolated parking lot so it isn't like they've got other traffic areas coming onto it. This really becomes an isolated system onto itself. If he takes a look on the plans, they are proposing to have signs located at both entrances saying that it is a pervious pavement area, a storm water management area to make people aware. Obviously, the maintenance personnel for Mr. Ades, when they do snowplowing are going to have to be cognizant of that and about what they need to do in there.

Mr. Panico responded OK, right, they are going to want some assurance that the maintenance program will be in place and properly implemented. He asked if they have had any discussions with STC as to how this is going to impact the certificate that is outstanding.

Mr. Wheway responded that off the top of his head he doesn't know. He doesn't know if Jeff from his office has had any follow ups with the STC. He believes that this is, because it is tied in with the other PDD over here, he isn't sure how it is all affected.

Mr. Panico stated that he knows a certificate (inaudible)...a certificate had to have been issued for the original building, Reservoirs Corporate Center.

Mr. Wheway responded yes, he would imagine so because that was probably taken into account with the two buildings and all the parking combined.

Mr. Panico asked if he could get them up to speed on that.

Mr. Wheway responded yes, he will.

Chair Parkins asked if that was based on the parking – the increase in parking.

Mr. Panico responded yes, it is based on the fact that you have a certificate that is based on a certain number of parking spaces and now you're creating a significant increase in that number of parking spaces so STC would have to sign off on the increase.

Chair Parkins stated yes, she would urge them to look at that intersection too because she works up in the Corporate Towers so she is aware of the traffic that is generated.

Mr. Panico asked which intersection she was referring to. He asked if she was asking about Research and Commerce.

Chair Parkins responded no, the intersection of Trap Falls and Huntington Road. She added that right now it is only a Stop sign and it would be worth them taking a look at it, if this prompts them to do so.

Chair Parkins commented about the 314 that Mr. Panico is having a hard time seeing and she can just see the 314 mark on here ...

Comm. Harger asked about the earlier drawing, 312 is on the bottom corner (Feb 6<sup>th</sup>) and on the newer drawing (Feb. 25<sup>th</sup>) it is up on the side.

Mr. Wheway asked what was on the original one.

Comm. Harger responded that the original one has it on the bottom corner.

Mr. Wheway responded that one is the proposed and you need to look at the existing conditions.

Comm. Harger commented about the change in location of the 312 and there was further discussion about its location on various drawings.

Chair Parkins stated that she is sure it will be clarified once they send in the cross section.

Mr. Wheway responded yes, they will get that information to Staff and the cross-section to clarify it.

Chair Parkins asked a question on the Statement of Uses and the inclusion of the “accessory service of liquor intended primarily for the use of tenants at Shelton Research Park.” She asked if Shelton Research Park the 4 Research Drive building or are they incorporating more buildings into that. she asked what they were considering to be “Shelton Research Park.”

Mr. Wheway responded that he thinks that a lot of the body of that Statement of Uses was taken off of the original Statement of Uses and it was modified to suit this current project. He asked which section she was looking at.

Chair Parkins responded that she was referring to Section 5, Paragraph I.

Mr. Wheway responded that he will take a look and see if that was in the original one. He commented yes, and he doesn't know if the Commission has a copy of the original Statement of Uses tied in with project.

Mr. Schultz responded yes, they have it but not with them right now.

Mr. Wheway responded OK, that paragraph is identified under Permitted Uses #7 and on the existing Statement of Uses it reads “Food service facilities including accessory service of liquor intended primarily for the use of tenants of the Shelton Research Park as an accessory or subordinate use not to exceed 5000 square feet.” He added that he thinks that was just taken from the original Statement of Use and put onto the new one.

Mr. Schultz commented that he will double-check the wording on that.

Chair Parkins asked if Shelton Research Park considered 4 Research Drive.

Mr. Panico responded that it refers to the whole corporate area on the top of the hill there.

Chair Parkins stated that they need to clarify exactly what that...

Mr. Ades responded that he thinks that this PDD was written before either building developed. Originally it was going to be two connected buildings from what he's gotten through the years in discussions with people. Eventually part of the land was sold off to be developed for Research Drive, so Shelton Research Park may have been the entire – 4 and 6 Research prior to it being built and then...

Chair Parkins stated that they should take this opportunity to tighten that up to have it read correctly.

Mr. Schultz responded yes, Staff will work with the Applicant on that.

Mr. Wheway asked if that was something that the Commission was looking to exclude from this Statement of Use.

Mr. Schultz responded no, they want to clarify it.

Chair Parkins stated yes, they just want to clarify if it is a not a standalone restaurant, a bar that is open to the public...

Mr. Schultz commented that as the Applicant knows, this is the Zoning Regulations for the property so it is important to get it right.

Chair Parkins added that *Il Palio* is a standalone restaurant but a part of Corporate Park and people from the public go there for lunch but usually when it is inside an office building it is restricted to tenant use and they don't advertise things like when they have Happy Hour, so that's why they need a clarification, that's what they are looking for – it is an accessory use for that location not Research Park, whatever that may be, because they are uncertain about that too.

Comm. Tickey added that it should be noted that Shelton Research Park is known as several places.

Chair Parkins responded yes, that is why she thinks it should be cleaned up and made specific to this location.

Mr. Wheway responded yes.

Chair Parkins asked if there were any other questions. She realizes that everyone just received this tonight.

Mr. Panico stated that the only other issue he has on the Statement of Uses is that Applicant mentioned about putting 8 feet as the parking width to allow some flexibility. He commented that he didn't have a problem with providing for some flexibility but he thinks that they ought to insist that the standard is 8 ½ feet. there may be a space or two here and there where you would be allowed to go below the 8 ½ but he doesn't want to set 8 as the minimum and then 3 years from now having them looking at a parking lot where everything is 8 foot wide. He doesn't think that would be desirable. He understand the interests of the Applicant in wanting some flexibility that if they get an odd corner, they're going to 8 foot and 2 or 3 inches to give them an extra space then by all means they should allow it. However, the basic standard generally applicable throughout the site should be 8 ½ minimum.

Chair Parkins asked if they could do something where, if something is needed, a certain percent could be...

Mr. Panico responded that they will work up the language with it. He understands his intent and he thinks that he and Rick can come up with some suggested language for it.

Chair Parkins commented OK because she thinks it was just their intent, if needed, and only certain areas would be reduced.

Mr. Panico stated that is what he heard said and he agrees with that.

Mr. Wheway stated that he thinks that from what Jeff looked at in terms of doing the layout by going down to the 8 feet that has the potential of yielding another 46 to 59 spaces.

Mr. Panico responded that was what bothers him – if they start using 8 feet throughout the lot then they are no longer talking about 763 spaces but a larger number so they can't have it that open ended.

Mr. Wheway responded right, correct but he thinks that some of that goes toward the flexibility of the owner if he has a client in there that has the need and the demand for the parking spaces, he thinks that he is looking to just have the ability to be able to squeeze those extra spaces out of there so he can keep the tenant inside the building and not have him go elsewhere.

Comm. Harger commented that he may be squeezing more parking spaces in but they can't say that the vehicles are going to fit in those spaces.

Mr. Panico stated that maybe they could put a line or a provision in there that says if there is a need to increase the parking quantity by more than "x" number of spaces, they have to return to the P&Z Commission for approval because, quite frankly, they are kidding themselves if they were to put in that 700 car lot all at 8 foot spaces, you would never get that capacity out of it because people don't adhere to an 8 foot space. You would go down a row of 15 or 20 spaces and you are going to lose a car because people would just keep creeping over the lines.

Chair Parkins agreed, if they can't fit in then they will take up two spots.

Mr. Panico commented that 8 ½ will work as tight as it is but 8 feet really doesn't work well though.

Chair Parkins stated that if they make that change without the Commission being aware of it than there is no recourse for the STC.

Mr. Panico responded yes, that is correct.

Chair Parkins indicated that there has to be a comment in there about it. She asked the Applicant if he was able to share with them who might be coming in or is it confidential.

Mr. Ades responded no, he wishing he could. It is top secret.

Mr. Panico asked if it was going to be a multi-tenant building or a single tenant building.

Mr. Ades responded that it would remain multi-tenant.

Mr. Panico responded OK.

Mr. Ades stated that all of the tenants that are there will remain there with the exception maybe one month to month tenant and he is still trying to find an area to keep that tenant if he can. So right now you have 7, 8, 9 tenants and you're going to be adding one large one and in a few months it will remain 7, 8, 9, 10.

Mr. Panico indicated that he had one more comment. He indicated that one of the things that always hit them wrong about that building, despite the fact that the building itself is a very attractive building, has been the haphazard appearance of the windows because each tenant has different types of window treatments, some are open and some are not and it is not a very unified look. In most of the office buildings that they have, they've been very fortunate in getting a very unified appearance from the outside. He doesn't know if this is anything that the new owners would think about and maybe impose something along those lines to make it more attractive with respect to the window treatments. He is trying throwing it out there for them to think about.

Mr. Ades responded that he hadn't noticed that the window treatments were different from tenant to tenant. He probably can't control whether they open or close their blinds but certainly to make all the window treatments the same, they would strive for that in any building they have.

Chair Parkins asked if there were any other questions or comments from the Commission.

**Mr. Steve Brennan, owner 7 Progress Drive, addressed the Commission.** Mr. Brennan stated that he and his wife own 7 Progress Drive and they are a part of the application and they are trying to help out their business neighbors. It seems like a good fit and they've gone to a great expense and hired professionals to make sure everything is done just right. Mr. Brennan stated

that they are definitely in favor of it. Their only concern is that their building was originally approved for 20,000 feet and built roughly past that and approved back in 1995. They don't want this project to in any way affect the already approved expansion for the finishing off of the building to go from 10,000 to 20,000 feet.

Chair Parkins stated that it may pose a problem for parking requirements if that land back there was considered as parking.

Mr. Brennan responded that there is approved parking with the expansion to more than account for...

Mr. Schultz indicated that there was a previous approval that became null and void. The Applicant is going to work with Staff to revisit that approval and it will probably be a new submission because Mr. Brennan wants to know...

Chair Parkins commented yes, and rightly so.

Mr. Schultz stated that they are going to be working on it and the Commission will see that soon.

Chair Parkins stated that before this gets approved, he needs to make sure that this gentleman isn't going to be restricted because he needs to know...

Mr. Schultz responded yes, absolutely and all parties are working together. He'll make sure that works.

Chair Parkins asked if he was actually selling this property or leasing it.

Mr. Brennan responded that they are leasing the land for (inaudible)...

Mr. Ades clarified that he was leasing the land from him.

Chair Parkins stated that he'll have to make sure that it doesn't obstruct your potential for...

Mr. Panico stated that the lease part of it, the permanency of that lease has an impact on the tenancy of 4 Research because obviously they can't let that parking go away in five years if they have tenants based on utilizing that parking so they have to have some assurance that there is a permanency to that parking arrangement. They are going to have to provide them with some of the particulars of their proposed lease.

Mr. Ades responded yes and their proposal dovetails with the proposed lease that he has with the tenant that would be coming in. They have covered that and made sure that there are no hiccups. He can certainly provide particulars on that lease whenever they would like it.

Mr. Panico commented that he thinks with the Commission's permission that could be submitted after the hearing is closed.

Chair Parkins stated that she has no problem with Staff working with the Applicants on this. She added that she doesn't see a need to keep the public hearing open. She thinks the particulars are really more detail that the professionals can work with.

Mr. Panico stated that obviously they have this exercise going on because apparently a prospective tenant needs the additional parking and if that all comes to fruition and everything works fine and then 5 or 10 years from now, if they still have that tenant with that need, when they lose Lot #4, they are going to have serious problems on their hands so they need to make sure that there is a relationship there.

Chair Parkins stated that if Tenant So & So... stays than that parking lot has to be maintained.

Mr. Ades responded that all of his options to renew the parking lease with Steve dovetail with the tenant's option to renew the space in his building and he will always know whether they want

to renew and then he'll know if he needs to renew with Steve until all of the renewals have been exhausted.

Chair Parkins responded OK. She asked if there was anyone in the audience wishing to speak for or against this proposal. There were no public comments. With no further questions from the Commission, she asked for a motion to close the public hearing.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to close the public hearing for Application #14-01 and Application #14-2.

**ADJOURNMENT**

**On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to adjourn the meeting at 10:10 p.m.**

Respectfully Submitted,

*Karin C. Tuke*  
P&Z Recording Secretary