

**SHELTON PLANNING AND ZONING COMMISSION**

**JUNE 10, 2014**

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, June 10, 2014 at Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484. The Chairperson reserved the right to take agenda items out of sequence.

Commissioners Present:                      Chairperson Ruth Parkins  
    Commissioner Nancy Dickal  
    Commissioner Virginia Harger  
    Commissioner Thomas McGorty  
    Commissioner Frank Osak (alternate)  
    Commissioner Anthony Pogoda  
    Commissioner Jim Tickey

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

Tapes (3), correspondence and attachments on file in the City/Town Clerk's Office and the Planning & 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 June 10<sup>th</sup> Regular P&Z Meeting to order at 7:00 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that there would be three public hearings on the agenda tonight as well as P&Z Old & New Business items. She reviewed the procedures for public hearings and explained the use of the name/address sign in sheets for public attendees who would like to speak. Additionally, she requested that cell phones not be used in the Auditorium during the meeting.

**PUBLIC HEARINGS**

**APPLICATION #14-8: WATER'S EDGE OF SHELTON, LLC FOR PDD ZONE CHANGE, FINAL SITE DEVELOPMENT PLANS (14 UNIT CONDOMINIUM COMPLEX), CAM SITE PLAN AND REVISION TO FUTURE LAND USE CATEGORY FOR THE 2006 POCD, 500 RIVER ROAD AND 41 FANNY STREET (MAP 54, LOTS 33 & 42), IA-3/R-3 DISTRICTS (CONTINUED FROM 5/28/14)**

Chair Parkins indicated that the first public hearing for Water's Edge of Shelton would be a continuation of the meeting held on May 28<sup>th</sup>. She indicated that some new information will be presented tonight and if anyone in the audience wishes to speak, she requests that in the interest of time that people not reiterate comments already made during the May 28<sup>th</sup> discussion. She requested that the P&Z Secretary read any new correspondence regarding this application.

P&Z Secretary, Virginia Harger read correspondence from the Shelton Conservation Commission Chairman, Thomas Harbinson.

**\*See attached correspondence dated June 9, 2014 to Richard Schultz, P&Z Administrator from Thomas Harbinson, Chairman, Shelton Conservation Commission with attachment of Ordinance #794 Conservation Easement Ordinance.**

Comm. Harger indicated that the next letter was from a resident, Jim Zimla of 137 Rocky Rest Road, Shelton. Chair Parkins requested that the resident's letter be read during the public portion of the meeting.

**Mr. Peter Hughes, Planner for the Applicant, Water's Edge of Shelton, LLC addressed the Commission.** Mr. Hughes submitted two more green tags that they received and a copy of the letter that they sent out with the legal notice. He presented a revised site plan for everyone to see and indicated that after the last hearing they discussed eliminating the access from Fanny Street

except for the existing structure at 41 Fanny Street. He stated that they modified the plans to put in a locked gate so that there is no thru traffic except for emergency city vehicles.

Mr. Hughes showed the location of Route #110 on the site plan and explained that they have taken the entrance drive and widened it to 22 feet. He stated that they still have the electronic gate providing emergency access to their neighbor, and they are providing a sewer connection to their neighbor. The 22' tapers down to 20' to 18' around the corner to keep the buffer that the residents on Anna Street had discussed at the last meeting. He indicated that those were the changes to the plan that they have made.

In regard to the Conservation Commission comments, Mr. Hughes stated that he believes the neighbors believe that this is a valuable conservation area for the neighborhood and he believes that was discussed at the last meeting. He mentioned the width of this was being retained and that was the intent that this would be a permanent buffer for the residents on Anna and Fanny Streets. He believes it serves that purpose under conservation. He indicated that as they said at the last meeting, they will use whatever form the City wants them to use – Conservation Easement, Conservation Restriction – it is all the same to them.

Mr. Hughes showed where they would maintain mature trees on the top of the hill and the one on the river is 10 feet wide. They aren't eliminating any of the trees. It is a grass area and they are cutting down one tree for this driveway and a couple of the pine trees that Mr. Matto put in when he built his house but besides that they aren't disturbing one tree on the site. This is all an open site.

Mr. Hughes provided an existing conditions map and explained that the little clearing that they are doing on the top of the hill is very thin. He showed the area that they are preserving, the existing driveway and added that the units are on top of the existing driveway. He showed where Units #1 through Unit #5 will sit where the building and the asphalt are today. He stated that they are not encroaching on the River any closer than the current development is today.

Mr. Hughes restated from the last meeting that they have moved these buildings back one foot to accommodate the Inland/Wetlands Commission's request to try to gain as much area as they could; by doing that they retained the 24 foot travel lane for circulation which the Fire Marshal approved in his letter. He indicated that they have tried to address the river front and they have the public access and they are preserving the trees on the river front.

As far as the flood plane, as he said at the last meeting, they are raising the units out of the flood zone. They are 18 inches above as required. They are creating a storage mitigation area so that there is no change in the flood volume water velocity downstream and they're not displacing water and increasing the flood elevation. They have provided that the area has been reviewed by the City Engineer as well as the drainage. As they pointed out, it is going to underground systems under the parking lot and in the grass area (he showed those two locations on the site plan). He also showed where they are discharging the roof leaders into the ground behind those units. Mr. Hughes stated that they are infiltrating all of their water so they have zero increase and they aren't disturbing the vegetation on the river. He showed the areas again where there will be a little bit of clearing and stated that they would be retaining the buffer against the neighbors and they made the road one way except for emergency purposes. They are eliminating this island, the sign and the flagpole; they are off and the only sign they will have will be up on River Road.

Mr. Hughes stated that they will put the City's required Public Access sign which is 2' x 2' or 4' x 4' – it is the standard sign for public access. He indicated that they have provided a fire hydrant on this side of the gate so that it will provide fire protection for Fanny Street as well as their development. He added that there is no fire hydrant today on Fanny Street.

Mr. Hughes indicated that he would like to submit their written response to the Conservation Commission which he just talked about. He stated that he also had a draft document of the Association documents. One of the issues at the last meeting that he would like to go over again is the marina. He stated that there is a marina permit there today. It is part of this application and it is restricted to three public and three for the development. It is a seasonal marina, April 15<sup>th</sup> to October 31<sup>st</sup>. There is no fueling, no waste removal, no overnight accommodation, one

parking space per slip; events/parties are not allowed. They are going to use their boat, get on their boat, get in the River and go wherever they are going. He indicated that they are restricting it as much as they can while still meeting the State requirements. He reiterated that it was seasonal, 3 slips and they are in and out. He commented that in regard to the office and the bathroom, they are required by the State. They have a CA-2 zone so it is kind of commercial. They have the IA-3 that they are changing next to them; it will be a mix but it is a minor part of this development.

Concerning the density, Mr. Hughes stated that in the R-1 it was 10,000 square feet per unit and they are at about 9,700; in the R-3 is 7,500 and they abut the R-3. He stated that they feel that the density is appropriate. These are 2,500 square foot units; they didn't put in a bunch of smaller units to try to get 30 or 25. These are substantial units; it will keep the density low, increase the taxes on the property from \$7,000 to what they are conservatively projecting as \$100,000. Mr. Hughes stated that they feel that they have responded to the concerns of Fanny Street, provided a buffer and put forth a plan that meets the requirements of the PDD and will benefit the property versus what it can be used for.

Chair Parkins asked if he made any changes to the parking on Fanny Street.

Mr. Hughes responded that they just left the widening.

Chair Parkins asked if it was designated parking.

Mr. Hughes responded no, just a widening of the cul-de-sac within the existing City street right-of-way. He reiterated that they are not going on any private property to do anything except for their own.

Mr. Hughes indicated that Scott Hesketh, their Traffic Engineer, was here to present a revised Traffic Report.

**Scott Hesketh, CT Licensed Engineer, F.A. Hesketh & Associates, 6 Creamery Brook, East Granby, CT addressed the Commission.** Mr. Hesketh indicated that his office submitted a Traffic Impact Report for this development previously. In response to comments from the public prior to the last hearing and due to changes in the plan which have eliminated the public access to Fanny Street, they have submitted a revised Traffic Statement dated June 6, 2014. He believes that all of the Commissioners have copies of the revised report this evening.

Mr. Hesketh stated that in response to comments from the public, before the last public hearing they went out and did some additional counts in the area to demonstrate the traffic volumes on the existing City streets, because they were actually putting some traffic on Fanny Street, Jordan Street and Wakelee; some of their traffic was going in that direction so they wanted to document the traffic volumes on those roadways for the Commission and for the public.

Mr. Hesketh indicated that they installed traffic volume counters on Jordan Avenue, on Wakelee Street, Fanny Street, the existing site driveway and a counter located out on Route #110. The counters were in place on Thursday, Friday, Saturday, Sunday and Monday. The traffic volumes on Route #110 were measured at 12,235 vehicles a day; morning peak hour volume of 723 vehicles; afternoon peak hour volume of 1,005 vehicles. On Saturday, the volume was 9,094 vehicles and a peak hour of 748 vehicles. He summarized that Route #110 is busy roadway and they understand that.

Mr. Hesketh indicated that on Jordan Avenue they observed an ADT of 1,138 vehicles; a morning peak hour of 42 vehicles and afternoon peak hour of 127 vehicles. On Saturday, there were 936 vehicles in a 24 hour period and a peak hour of 75 vehicles.

Mr. Hesketh explained that Wakelee Street and Fanny Street were significantly less with an average daily traffic volume of 345 vehicles observed on Wakelee Street and 207 vehicles a day on Fanny Street. The peak hours on those roadways were 50 vehicles or less during all hours.

Mr. Hesketh stated that the existing site was counted as well because there is an existing use at that facility, an existing industrial building that is used primarily as a gym. They average about 84 vehicles a day and at peak hours on Saturday they had 20 vehicles during the peak hour.

Mr. Hesketh stated that they wanted to document those volumes for the Commission and for the public as part of the record; they are a part of the Traffic Report dated June 6, 2014. As the Commission has heard, the Applicant has revised the site plan to eliminate public access to and from Fanny Street so all of the site generated traffic from this development will use the existing site driveway out to Route #110 River Road.

According to the Institute of Transportation (ITE) Engineers the proposed 14-unit residential development would have a trip generation potential of about 208 vehicles on a daily basis; a morning peak hour of 20 vehicles and an afternoon of 25 vehicles. The site generated traffic from this proposed development, from a peak hour standpoint, similar to the existing use currently on the property. Since this development is going to be using the same access as that existing use, they believe the impacts will be relatively minor.

Mr. Hesketh indicated that they had a gentleman go out and do turning movement counts at the intersection of Route #110 River Road, Petremont Lane and the site driveway. They also included the driveway to the Latex facility. He commented that it was kind of like a five-way intersection; the two side streets on the east side of the roadway, the driveway to the Latex facility and the driveway to this site are both very low volume roadways. He stated that they went out and counted that intersection at the morning and afternoon peak hours.

Mr. Hesketh stated that they conducted capacity analyses of that intersection assuming it to be a four-way intersection. Because of the very low volumes on the two side street approaches and the levels of service at that intersection are very good; they are looking at Levels of Service B and C on the side street approaches during the morning peak hours, Levels of Service of C and D during the afternoon peak hour by the placement of the development.

The average vehicular delays for the side street approaches would be 33 seconds as a maximum. These are Levels of Service which an engineer would design to with an unsignalized intersection. He reiterated that the traffic volumes for the proposed development are very similar to those of the existing gym facility on the site. He indicated that the Commissioners have copies of the report and offered to answer any questions regarding the traffic from this facility. He stressed that the all site public access for vehicles for this facility will be by way of the existing site driveway out to River Road. There is no public access to Fanny Street, Jordan Avenue or Wakelee – only emergency access for emergency vehicles should the need arise.

Comm. Tickey asked how he would arrive there, traveling by car, if he wanted to use one of the public marina spaces.

Mr. Hesketh responded that there are parking spaces provided on site. He would the access the facility from the main site driveway on Route #110, come up Route #110 directly onto the site driveway and access the parking areas within the development.

Comm. Tickey asked if there was a gate on Route #110.

Mr. Hesketh responded that there is a gate on #110 so people that have access to the leased slips would have access to operate that gate.

Comm. Tickey asked if that meant he would be able to get through that gate to come onto that property.

Mr. Hesketh responded yes.

Comm. Tickey asked, if that is the case, why they are widening the road on Fanny Street. He asked why that was needed.

Mr. Hesketh responded that it understood that they were widening the cul-de-sac at the end of Fanny Street for the general public who wish to have access to the River, to park. He added that he believes that was a requirement of the DEEP.

Comm. Tickey stated that he has more questions but just realized that he's the traffic expert so he will save his comments.

Chair Parkins asked the Commission if there were any other questions or comments related to traffic. With no other traffic questions, she asked Mr. Hughes about the driveway coming in going down from 22' to 18' right as it bends. She asked if that was also on a slant or slope.

Mr. Hughes showed where the slope begins right after the curve. He stated that Scott has looked at that and it is a low volume road and that width would (inaudible...)

Chair Parkins asked, from a safety aspect and especially in inclement or icy weather, is there enough (inaudible)...

Mr. Hughes responded that they could go to 20' and he showed where they do have a shelf.

Chair Parkins stated that may actually be used as a snow shelf in the wintertime.

Mr. Hughes responded that if they want it, they could create an area here (he showed a location on the plan).

Chair Parkins stated that she just wants them to create a safe (inaudible)...

Mr. Hughes responded that he could create a safe zone and they could just push the snow back to the edge of that curve. He added that they could make it 20 feet.

Comm. McGorty asked about the access on Fanny Street for the public and if it was based on having the slips there that they have to have that as well.

Mr. Hughes responded no, this is based on the State of Connecticut saying that anytime you have a river front development, there has to be an access to it. At the last meeting, the Chairperson mentioned that the Sports Center has one and everyone along the river has one and the State tells you where.

Mr. Panico added that it satisfies the water dependency aspect.

Comm. Harger asked what the change in elevation would be from the beginning up by River Road down to the end.

**Dennis McMorro, P.E., Berkshire Engineering & Surveying, 143 Bantam Lake, Bantam, CT addressed the Commission.** Mr. McMorro explained that it is very flat on the beginning portion down to the existing building; it is probably at about 1%. They are at elevation 72, 73 and as they progress down the access way they go from elevation 70 to elevation 60 and that is in their straight section. He showed the 18' wide area is only about a 10% grade, slightly less than 10% and that 18' wide is also straight in that area. He indicated that they widen out when they hit the curve to 22'. As they go through the curve, it is 12% and then there is about 85 feet of 14% dropping down to elevation 36 so they are going from 72 to 36. The existing driveway that goes down to service the existing commercial building exceeds 15% in some places and it's as narrow as 14' wide. In regard to what Scott Hesketh was talking about, similar traffic over 15% and only 14' wide is functioning today.

Comm. Tickey commented that if people have one of these 14 units or if they're using one of the public slips they are using River Road as the entrance; he asked why they are proposing to widen Fanny Street.

Mr. Hughes responded that the only thing that they are doing to Fanny Street is adding a 5 foot strip of asphalt because they wanted a place for cars to land and have people still able to maneuver.

Comm. Tickey asked if the traffic studies reflected the increase in traffic that you expect to come through the neighborhood as folks arrive.

Mr. Hughes responded that nobody using the marina is coming this way. The marina people come down the driveway, they have 3 parking spaces. This is for the public. When they met with the State, they wanted an area for the people on Fanny Street, Anna Street and Jordan Avenue to be able to come down to the river without having to go over to Sunnyside School. They wanted a landing area provided for them to bring in kayaks.

Comm. Tickey stated that he was just making the point that cars will be traveling through. There will be additional traffic through these local streets as they go to Fanny Street. He is just making the simple point that if you are heading down to use one of the public slips - you would be traveling on one of those streets.

(Audience applause)

Mr. Hughes responded not to the public marina, just to the public access point.

Comm. Tickey stated yes, correct, that is all he was clarifying.

Comm. McGorty stated that is the biggest problem he has - now they've created a situation on Fanny Street where you have increased volume and people and a place to hang out at night. He asked why they couldn't do that on the interior somehow up above and public access and a walkway that parallels their street.

(Audience applause)

Mr. Panico stated that they have to understand that the DEEP is mandating (inaudible)...

Comm. McGorty asked if he was talking about that location.

Mr. Panico responded yes, that location because they feel that the neighborhood should have access to the water.

Audience booing... comments "they don't need it...they don't want it..."

Mr. Panico continued to say that is the reason that it's there because DEEP is asking for it.

An unidentified audience member loudly commented that they don't want the parking spaces and they don't need it.

Chair Parkins stated that it is not a requirement of the City or the P&Z Commission that this access be provided. It is a requirement of the State – the State DEEP.

The unidentified audience member asked why though, for what purpose, for the 3-slip marina?

Chair Parkins responded no, it is just the fact that a development is happening on the River. It doesn't matter what it is.

The unidentified audience member asked what if he had this big public access...he doesn't think so...

Mr. Panico responded that if the marina went away, the State would still be looking for public access to the waterfront. It is that simple.

Other unidentified members of the audience commented "have them put it on the other side..." (inaudible)

Comm. McGorty commented that the point he was trying to make was - he asked why it had to be right there - why it can't it be anywhere else on that property.

(Audience applause)

Comm. Dickal agreed.

Chair Parkins commented that it is the DEEP – it is not their choice...

Mr. Panico responded that the fact of the matter is if you have a locked gate and the access is from the access drive to the condominiums, it does not serve the neighborhood. The neighborhood is not going to walk up, around and back down the driveway to access the river.

An unidentified audience member shouted that they could just use Sunnyside.

Chair Parkins asked the members of the audience to please stop shouting out. They will have an opportunity to speak when they open it up for public comments.

Mr. Panico stated that he is really just trying to convey to them what DEEP's position is.

Comm. McGorty commented that he understands that they want access but...

Mr. Panico stated that they want access for the neighborhood.

Chair Parkins added that is where they are dictating that it be.

Mr. Panico stated that if it was City-wide access you're solution would be fine. He commented that he thinks that they need to challenge the DEEP.

Comm. Harger asked if there was some documentation.

Mr. Hughes responded that it was in the CAM letter.

Mr. Panico commented that it is obvious that the neighborhood doesn't want it so why don't they challenge the DEEP and tell them that the neighborhood does not want it - then they take it out.

Comm. Dickal agreed.

(Audience applause)

Chair Parkins responded good luck with that.

Mr. Panico stated that he didn't know but at least they could give it a try.

The unidentified audience member asked if all the businesses on River Road that border the River have public access.

Chair Parkins responded that she would answer his question as soon as she turns it over for public comments. She stated that his question would definitely be addressed. She asked if the Commissioners had any further questions.

Chair Parkins indicated that with no further questions from the Commission, she would begin the public portion and call names from the sign-in sheet. To address the first question that was asked, from experience she knows from being on the Commission, they have approved access behind the Sports Center when it was being permitted, and the Beacon Point Marina development that they approved 5 or 6 years ago there was public access for that as well. Any time someone proposes to put a development on the river, whether it is private property or whatever, there needs to be access for the public.

The unidentified audience member asked if that was for private or public.

Chair Parkins clarified not private but if you are putting in a housing development such as this, they have to provide access to the water.

Another unidentified audience member asked if Blue Heron Cove has public access.

Chair Parkins responded yes, it has a trail coming down, it has parking up above.

The unidentified audience member said that these all have signs so if he walks down there, he'll see them, right.

Chair Parkins responded yes, one option would be that the City could put up a sign saying "no loitering" or "police take notice." The point is that the public access is not to draw people in as though it is a public park...

The unidentified audience member stated that is exactly what it is doing.

Chair Parkins asked if it does it right now. She asked if people are coming now...she indicated that she wasn't defending this. She is explaining what the State requirements are and she is not defending this one way or the other.

The unidentified audience member asked if the State require what access it has – does it have to be a driveway or does it have to be a boat ramp or a sidewalk.

Mr. Panico responded a sidewalk.

The unidentified audience member stated that in other words on this proposal, you are giving them a sidewalk from a parking lot – it is cul-de-sac.

Chair Parkins responded no, it is not a parking lot.

The unidentified audience member asked why it was five feet – for what reason.

Chair Parkins responded so that you could pull off two cars so that there is parking.

Inaudible comments from multiple audience members ("to pull off two cars..." "why do you need a car, it is walking distance...")

Chair Parkins responded that the State requires that you have parking.

The unidentified audience member asked if he went to Sikorsky, he could park in their driveway, and walk down their public access.

Chair Parkins asked if he was talking about Sikorsky Aircraft – that is a government facility that actually doesn't have...

The unidentified audience member stated yes, Sikorsky Aircraft...they have a development on the river so they have to provide public access.

Mr. Panico stated no, a similar comment would relate more to the golf facility, the golf driving range in that complex. They have a right to go to the river there, there are designated parking spaces and from there walk down to the edge of the river – it was mandated by the DEEP. You can take that driveway down along the side of the big building.

The unidentified audience member commented OK, he understands it is a business, traveled heavily by day but this is a neighborhood. It is a cul-de-sac and has always been a cul-de-sac.

Mr. Panico responded that he didn't disagree.

The unidentified audience member stated that the people who drive on the cul-de-sac are the people that live on the cul-de-sac. This traffic assessment said 25 cars, so 4 cars that live on that street moved four times – that is all it needs.

Mr. Panico stated that they will go to the DEEP and have a discussion.

Another unidentified audience member asked if there was a gate for this facility and they designated parking spaces in this facility.

Chair Parkins stated that she is going to have to ask him to come up to the podium because no one is providing any names for the record and can't be shooting answers back and forth. She began with the names on the list and asked if anyone else wanted to add their name to this list if they have a question. She called Diane Klepacky from the list. She asked again for people to keep their comments on the changes discussed tonight and not reiterate previous comments made at the last meeting.

**Diane Klepacky, 18 Barbara Drive, Shelton addressed the Commission.** Ms. Klepacky stated that she wasn't at the last meeting and she would like to read all of her comments. She read her letter indicating that she was submitting it as a concerned resident of Shelton.

*The developer of Water's Edge stated that the boat slips were originally OK'd for the use of Sacred Heart University's skulls but that deal fell through because of the length of the DEEP's permitting yet the current owner already received a permit for a commercial marina? How did that happen? How did a commercial marina get approved when some residents living on the water had to pull their docks out?*

*The Housatonic River is tidal lane water. Isn't that the jurisdiction of the EPA? Have they been notified and given approval of this marina? There are already three marinas: Beacon Point Marina, 722 River Road, 1.4 miles away; River's End Marina, 50 Victory Street, another residential .4 miles away; Ayers Marina, 10 Victory Street, .5 miles away. There are already two public access areas (plus more that she is hearing about): South Park, .6 miles away and Sunnyside, .7 miles away. If this gets approved, won't that set a precedent or is this spot zoning? Blue Heron Cove at 550 River Road is building 36 condominium units. What if they ask for a marina? What is going to stop other waterfront residents from asking for a marina or zone change so they can build condominiums on their property? How will you be able to say no to them?*

*Since Latex has filed Chapter 11, is that land going to be the next condominium development and marina? There is also now a proposal for Hawk's Ridge of Shelton who is asking for 54 single-family developments, 57 multi-family developments and an Assisted Living Facility containing 196 units off of Long Hill Cross Road and Beard Sawmill Road. How is this keeping with the City of Shelton's Plan of Conservation and Development?*

*The traffic on River Road, Long Hill Avenue, Long Hill Crossroad and Bridgeport Avenue is getting more and more congested. They are losing that small town charm. The same thing is happening with the Housatonic River. Have you seen the boats, water-skier and jet-skier traffic on the water, especially on the weekend? How about the all-weekend long stay-overs and boats that have parties on the island all weekend long? Most boaters already don't follow the "no wake" which is causing worsening erosion. If the marina is part of an elitist association in a gated community, while are the middle-class residents of a cul-de-sac neighborhood going to be burdened with a public access? Are they the second-class citizens?*

*In closing, would each of you honestly say that you would approve this marina and zone change if this was your neighborhood that you lived in with your children and grandchildren? How comfortable will you be letting your children and grandchildren go outside to play in the cul-de-sac with strangers driving up and down to go fishing and boating in the public access? Just because a developer is aware of all the ins and outs and has the money to do what they want, does this make it right? Is this really what this neighborhood and the residents of Shelton that you represent deserve? It is time to start saying "no" to all the zone changes and the housing developments.*

*Respectfully Submitted by Diane Klepacky, 18 Barbara Drive; Elaine Roslon, 122 River Road, Claire Oja, 122 River Road and Stuart Oja Sr., 122 River Road.*

**End of Tape 1A, 7:43 p.m.**

Ms. Klepacky thanked the Commission.

**Thomas Klepacky, 18 Barbara Drive, Shelton addressed the Commission.** Mr. Klepacky stated that he was one of the heirs of the abutting property on 32 and 36 Fanny Street on the end of this cul-de-sac. They have been a single-family development for over 50 years. He and his family have lived at this site for 53 years. It has always been a single-family neighborhood and the person selling this property was aware of this when he bought this property. His address is on Fanny Street as well as the factory which has a Fanny Street access as far as he knows.

Mr. Klepacky asked the Commission to consider denying the approval of multi-family housing and multi-family zoning. He has petitions which they have only been circulating for about 4 days now. They have 110 signatures and he is told that every person on Fanny Street has signed this petition. He will submit these when he is finished speaking.

Mr. Klepacky asked why the benefits of a few can affect the quality of life for everyone in the neighborhood. He is talking about strangers coming in for this public access. At the Shelton Rinks they have public access but you go through their property to get to it, park on their property and use it. That is what they expect if this does go through which he hopes he does not see.

Mr. Klepacky stated that you have 14 condo units on 3.1 acres of land and that sounds like it will be congested and bring in a lot of traffic. He also has concerns about the fate of the Latex Foam Company which he understands has filed Chapter 11. He asked if that would be the third in row, multi-family housing proposal. He hopes not because if they have three different residential, multi-family units within a ½ mile or a ¼ mile, it will cause problems for people traveling River Road daily. He is talking about people living on Fanny Street, Victory Street, Jordan Avenue, Anna Street and other surrounding areas and people who just travel down River Road will be affected by this.

He would like them to consider, if they allow the marina it will set a precedent and everyone who has units, condos or even houses are going to be looking for the same kind of treatment. He added that he doesn't want that unsubstantiated growth to just happen. He stated that you are Planning & Zoning and hopefully, you are planning how many units will be in this dense area. He respectfully requested denial of the multi-family housing and requested a 30-day extension to gain further support for their cause. He thanked the Commission.

Mr. Klepacky submitted the petition of 110 signatures to the Commission.

**Ann DeFilippo, 56 Victory Street, Shelton addressed the Commission.** Ms. DeFilippo stated that she has never done anything like this before but she is a property owner on the River where she has four lots. She is very concerned about this transaction that is happening so she did some research in the last couple of days. She has been living there for 53 years and has seen the changes in the neighborhood. She provided an original map of Harbor Valley which is owned by Harbor Valley Corporation. She stated that when they first came to purchase one of these lots, this was the layout of the whole area. She pointed out that they are all single lots and it is an R-3 zone. She asked why they would allow a single-family home on 41 Fanny Street which is an original subdivision of Harbor Valley. Why would they take that particular home and add it to a new subdivision for a multi-use? Ms. DeFilippo stated that she hopes she is making herself clear. She stated that they are taking this property and they want to make it into a multi-family subdivision of this new project, the property should not be a part of that new subdivision.

Ms. DeFilippo stated that when that house was built they had to submit plans like everyone else to the City to build that house. There was a road that went through there, she remembers that road that went through that property to that little factory in the back being used now as a gym. She stated that when this house was approved to be rebuilt as a single-family unit, because this is an R-3 zone, that road was abandoned so there is no access. She commented that she was wondering, because they keep talking about an emergency exit and entrance – she asked to what? There is no road there now. She stated that maybe she is the one who doesn't understand, she wasn't certain. She stated that the road was closed to the factory and the lot behind 41 Fanny Street when a single-family house was built at 41 Fanny Street – the road was utilized until about 2006. The house was built and they abandoned the non-conforming use of access out onto

Fanny Street. It was formally abandoned on a map that was approved by Planning & Zoning. She asked how they could have an emergency access there. How would you do that?

Ms. DeFilippo asked if that zone change would make that road open up again. She claimed she did not know and it was a question she has. She recommended that they have more time because they have probably been planning this for a couple of years. She didn't even know about the first meeting until the afternoon before they were to meet. They had no time to research this so she recommends that they, all the neighbors, and she knows that they all agree with her, that they need more time...Maybe they need to get an attorney or something to read all about this so that it is fair.

Ms. DeFilippo stated that she also didn't understand and had a question about Petremont. She asked this question at the last meeting about Petremont Lane because she remembers that road went all the way down to the River. She provided a small map and added that she wasn't able to make it any bigger but from the top of River Road, that road went all the way down to the River. This application said "500 River Road" and she asked about that because it was confusing to her because she thought that was still Petremont Lane. They said it was a private road. She asked how they could change a City road to a private road. She wanted to ask that question – and is "500 River Road" really a private road?

Ms. DeFilippo stated that as far as the marina she is really confused about that and as an adjoining property owner she is very concerned. On her property she has lost about 15 feet since she has been there, especially in the last couple of years that River has become atrocious. She took a boating course because she wanted to know the laws of boating so she knows that you are not supposed to go more than 5 mph through a boat yard or private property but those boats going flying by. She is going to start getting numbers because she is going to have to go the DEEP, Wetlands and all of that and try to get a permit so that she can fill in some of her lost property. She added that she is going to be losing her driveway pretty soon.

Ms. DeFilippo asked about the marina and if the commercial marina and slips were already approved by the City and State. She understands that only a small dock permit was granted from Shelton and that is for resident use. She read an article from the Huntington Herald stating that "The dock is partially built today. The slips were approved when Sacred Heart University considered using the land to base its crew team." She commented that at the last meeting, Mr. Hughes said that the marina permit exists today. He said that they didn't apply for the marina permit, the marina permit was already granted. She indicated that she would like that to be verified. Mr. Hughes also said that the property owner went and applied for a dock and marina to house Sacred Heart University's Rowing Team but it is still a commercial marina. She asked if that was true, if it was really a commercial marina. The State had already approved this 2 or 3 years ago according to this article.

Chair Parkins stated that they will address the marina issue for her after everyone has asked their questions. She stated that they have those answers for her.

Ms. DeFilippo indicated that she is just very confused about this marina.

Chair Parkins responded that they will clarify all that for her.

Ms. DeFilippo commented that she is very concerned about what she can do to protect her property. She knows that her neighbors have lost a lot of their property too. She wants to be sure that this is more for zone change but that is going to change whether they have to have public access to the River and all this stuff. She thanked the Commission.

There was a lot of audience applause and Chair Parkins stated that she appreciates that everyone wants to support people that are speaking but they have a very long night ahead of them with two other public hearings to open and close. She requested that they hold their applause to the very end after everyone has spoken so that they can save a little bit of time because she is calling the names and nobody can hear her. She commented that she would appreciate that.

**Judson Crawford, 8 Jordan Avenue, Shelton addressed the Commission.** Mr. Crawford stated that at the last meeting, Application #14-8 for Water's Edge received correspondence from

the Fire Marshal stating that he had no issues with the site plan on 5/21/14, yet on 5/23/14, the City Engineer submitted a letter to this Commission stating that he has “reservations and concerns about this project” and also listed additional recommendations to this Board. As was stated at the last meeting, the Fire Marshal would be issued a key to the locked gate. The first company that would be on that scene would be Pine Rock Park. The keys would be issued to the captain of Pine Rock Park.

Mr. Crawford commented that the counter on Jordan Avenue placed in front of his home has been removed. Tonight the gentleman made a report to the Board but he just feels that report should have been generated and been available to the residents of Jordan Avenue, Fanny Street and the whole area. He asked why it wasn't made available to them.

Mr. Crawford asked what the status was of the sanitary sewer system that is being proposed for the site. He asked if the pumps were strong enough. He commented that residents have been denied landings, docks and marinas while living here in Shelton, paying taxes to the City of Shelton – they have been denied. He stated that he would like to know why.

Mr. Crawford stated that the main issue on Jordan Avenue is that traffic is going to be increased drastically. They come down that road and there are too many children on the other side of his street and down the street that play. People come zipping down Jordan Street and they don't care what is going on. He commented that if they make this decision, he thinks they are making the wrong one. He thanked the Commission.

**John Kosturko, 47 Victory Street, Shelton addressed the Commission.** Mr. Kosturko stated that if and when this project gets going, he'd like to be assured that the access from River Road is widened to allow the trucks and heavy equipment that are going to be used to build this project. He wants to be sure that is the road that will be used to bring equipment down and not Fanny Street. Mr. Kosturko stated that he knows that they were told it was not going to be used as an access for this project, but they also don't want it used as it is being built. Therefore, the widening of the access road from River Road must be widened prior to the start of the project.

Mr. Kosturko commented that the cul-de-sac at the end of Fanny Street has been that way for years and suits the neighborhood fine. The purpose of doing anything to it is beyond his comprehension. They are talking about State laws and regulations and he asked why they weren't they brought to light before this – he doesn't want anything but now that a project is going to be progressing, they talk about widening the cul-de-sac. He stated that he sees absolutely no reason for that.

**Joseph Kralic, 66 Jordan Avenue, Shelton addressed the Commission.** Mr. Kralic stated that most of his concerns are about the marina because it is senseless to begin with. He doesn't see any reason for it other than once it is in it is going to expand just like the two marinas on the River right now that went from, in the 50's from 20 boats to 250 boats. He stated that this thing is going to turn into one continuous boat basin all the way down as far as it can go and that is disconcerting. They are destroying the River.

Mr. Kralic stated that another thing that is troubling is that the Wetlands Commissioner said you couldn't get a UPS truck down to this site and asked how the hell they are going to get there. They are going to have to come up Fanny Street. He reiterated that the Wetlands Commissioner said it – you can't get a tractor trailer down there.

Chair Parkins commented that she is looking for that because she doesn't recall that.

Comm. Pogoda stated that he didn't recall that either.

Comm. Harger stated that Tom Harbinson made a reference about it in his (inaudible)...

Mr. Panico clarified that comment wasn't from the Wetlands Commission but from the Conservation Commission. The City Engineer reviewed the site plan and had no problem with the turning radii. He stated that they will look into that though.

Mr. Kralic commented OK, if it has such great access and egress then why have an emergency access on Fanny Street.

Mr. Panico responded that anytime that they have a development with a single point of access, in the interest of safety...

Mr. Kralic asked about the people who live on dead end streets and if they had another egress.

Mr. Panico responded that the people in the neighborhood have several streets available to them. This development ...

Mr. Kralic stated that he's talking about a dead end street. He asked why they automatically get a second means to get out of there.

Mr. Panico stated only in the event of an emergency such as a snowstorm, ice storm and their driveway was impassable or if there was an accident on the driveway preventing access or a fire – they would have to respond to that fire. He reiterated that was the reason for the emergency access and that is the only reason for it.

Mr. Kralic asked if the State was demanding that they put a 5 foot arc all the way around this cul-de-sac which would be turn into parking. He asked if the answer was yes or no.

Mr. Panico responded no.

Chair Parkins stated that all questions will address the marina and the cul-de-sac.

Mr. Kralic asked why it was there then.

Mr. Panico responded that it was there because the State mandated that there be public access for the neighborhood to the water and the State wanted two parking spaces available on Fanny Street for that purpose. They are the ones who mandated it. Mr. Panico commented that as far as he is concerned, his recommendation to this Commission is going to be to take it off and let's fight with the State. They see no reason for it.

Mr. Kralic commented that he sees no reason for it and common sense sees no reason for it.

Chair Parkins indicated that one of the reasons for widening it is because, if you didn't widen it and people go down and park there, then no one can use it as a turnaround because it will be blocked with cars.

Mr. Kralic stated that they don't need people parking down there. They've done fine for 50 years as it is.

Chair Parkins responded that this Commission understands that and appreciates that. She stated that they appreciate all the comments made tonight regarding the cul-de-sac and the additional parking down there. Unfortunately, when the Applicant went to the State, the State said that they had to provide access at that point. She indicated that when they did Blue Heron Cove, they also had to provide access and parking up at the top so that people could carry a canoe there.

Mr. Kralic asked if that was mandated recently – in the last 5 years.

Chair Parkins responded yes – the last two years, actually last year.

Mr. Panico added that it didn't mean that they were going to accept it. They will challenge it.

Chair Parkins indicated that they will try to challenge it. They don't agree with it either. She thinks that was said at the last meeting.

Mr. Kralic asked if she said that she was going to be saying something about the marina later.

Chair Parkins responded yes, there are some other questions about the marina to be answered. She called the next speaker.

**Benjamin Mroz, 61 Jordan Avenue, Shelton addressed the Commission.** Mr. Mroz stated that he was born in Shelton and has lived on 61 Jordan Avenue for 64 years and he's seen a lot of changes there – a lot. He said that they've been dumped on a lot of times down there – a lot of times (inaudible) haven't even been denied. Mr. Mroz stated that it was a residential section when they were down there but things change, subject to change. He commented that he doesn't believe anything that they say over there (he pointed to the Applicant). It will change -they sell one thing to one guy and sell it to another guy and it (inaudible)... Years ago, he moved outside Fanny Street, a couple feet down there is a big lump there right now, the land went straight out, way out. He stated that you could look down on that old house in there. He stated that he has pictures here.

They've been coming out of there for two years, they built I-95. He didn't want to name any names but the guy bought the property for \$30,000 and took all that dirt out. He still sold the land and people down on Fanny Street bought the property - to make money and money makes money. He doesn't want to point any fingers but it is true.

Mr. Mroz commented that the factory, United Shoe - How did they get there? He bought a piece of property, R-5 residential, spot zoning, pretty good huh? They can't do anything about it. There was another factory down there too, a printing place, he doesn't know how they got down there but they are down there - spot zoning, subject to change. Change anything you want, anytime you want, ignore the rules. Nice. American. Do what you want. He asked if they are going to let these people get away with this. He commented - a 20 foot road, put water in, gas, come on...what's the ordinance? It is supposed to be at least 50 feet.

Mr. Mroz asked if you could make any kind of road that you want in Shelton. Subject to change, you go by the rules, let's go by the rules. Mr. Mroz commented that there is a lot more that he could say but he can't remember (inaudible)...they promised them a nice plaza there but they got an A&P...(inaudible)

Chair Parkins asked Mr. Mroz if he could keep his comments focused on this application it would help move things along.

Mr. Mroz responded that he didn't hear what she said.

Chair Parkins stated that they appreciate his history lesson but if you could...

Mr. Mroz stated that at one time they were supposed to have a nice plaza. There was a picture of what they were supposed to get down there. They ended up with an A&P and couple of little buildings there (inaudible)...that's what they ended up with...a beautiful plaza...he has pictures. He commented about the road, he has pictures that will prove everything. If you let them get away with all of this in here, subject to change, things will be changing and he doesn't like the idea of what they are doing at all. He hopes his words mean something. He thanked the Commission.

Chair Parkins stated that Mr. Mroz was the last person listed on the sign in sheet. She asked if there was anyone else wishing to speak.

**Villia Struyk, 55 Jordan Avenue, Shelton addressed the Commission.** Ms. Struyk stated that she understands that there has to be public access but asked why it can't be within the contractor's property. She knows that they said they have to have a gate. She added that she's seen gated communities where there is an access code for residents to use. She commented that she understands why they don't want it – they don't want it for the same reason the neighborhood doesn't want it. Ms. Struyk commented that it didn't make sense to her.

Mr. Hughes, representing the Applicant, responded that he agrees with her and they are changing the plan. They will do exactly what she just said. They will have a gate with a public access code. They will move the gate down, they will provide two parking spaces within the

development. They will move the access point from the cul-de-sac into here (he showed the location on the site plan).

Mr. Hughes stated that they will try to accommodate – he said that last week - it was with the car traffic concerns, they hear the neighbors and they are committed to doing that.

Chair Parkins asked to reiterate what he just said he was going to do...

Mr. Hughes stated that they are eliminating the widening.

Chair Parkins responded that the State has requested that it be there.

Mr. Hughes stated that they were going to move it and they will tell the State that they are providing two parking spaces inside here.

Audience applause...

An unidentified audience member asked Mr. Hughes to clarify what he said again because she didn't understand.

Mr. Hughes stated that they will eliminate the parking, move the head of the trail off of the road onto the driveway inside the development, move the gate to the end of the road at Fanny Street so the access point is inside the gate and they can walk down and get around the gate on the street. Any public access is going come through the development and park in the development. They will have a key code because as she said, it is a public access and that way the development can track the public coming in, when they are coming in and they can police the situation and not the neighborhood.

The unidentified audience member asked if he wouldn't need State approval for that.

Mr. Hughes responded that they will go back to the State and tell them that they are doing that. He doesn't think that they are going to (inaudible)...

Chair Parkins asked if he was saying that he was going to provide public access via an access code up above.

Mr. Hughes responded yes.

Chair Parkins asked why he would even have a gate then.

Mr. Hughes responded that they could monitor the public access with a gate.

An unidentified audience member asked how the public would get the code.

Mr. Hughes responded from a sign with a number on it.

Comm. Dickal asked who would be in charge of monitoring it.

Mr. Hughes responded the development community.

Comm. Dickal asked if they would have someone out there constantly patrolling 24/7.

Mr. Hughes responded that if you were living there and somebody comes in there then you would be doing it normally.

Comm. Dickal responded that she didn't know about that.

Comm. Harger stated that she disagrees with him. If he is going to have any kind of access, she doesn't think he should impose on the people of Fanny Street. The access for the public should be on River Road.

Mr. Hughes responded yes, that is what he is saying.

Comm. Harger asked if this would remain as an emergency exit.

Mr. Hughes responded yes.

Comm. Harger stated OK, fine, that wasn't clear.

Mr. Hughes stated that all access, from the public or from the development, will be on River Road. They will have a key pad with a public access number right by the keypad. They will take the gate and move it to the end so the access out onto Fanny Street will be the current driveway that goes there today. The second unit on Fanny Street will access River Road so there is absolutely no change in the traffic pattern on Fanny Street from this development.

Using the site map, Mr. Hughes explained that this pavement goes away and they'll take the head of the trail on Fanny Street and move into the driveway and provide a walkway to that public access. He commented that he thinks that addresses what they have heard tonight. He reiterated that this will only be used for emergency access – he added that yes, it is emergency access for Fanny Street, if Fanny Street gets blocked below the intersection, so now they will have a second way out. Right now, there is not a second way out for Fanny Street below Victory, he thinks it is Victory. It provides the neighborhood with a second way out as well as emergency access for the development.

Comm. Dickal stated that she has one real big concern. She commented that he keeps saying about people that have access codes for the public and for people who reside in this residence. Once the code is there and the public is aware of the code and the people that live in there have the code - then everybody is going to have the code. So everyone is going to be coming in from every direction. She commented that she doesn't see how that is going to be workable.

Mr. Panico agreed and stated that he thinks that neighborhood has expressed that they don't want it and they don't need it.

Mr. Hughes indicated that he understands that.

Mr. Panico stated that is what he thinks they need to do and if the DEEP mandates something otherwise than they can work it out.

Mr. Hughes responded that what they are saying is that they are willing to move everything on their property and they will join them with their DEEP fight. This is the same argument they made back in February and March when they met with them. There is access all along here.

Mr. Panico indicated that he thinks that they can honestly represent to DEEP, if they are concerned about the public access, it is there from #110 down the driveway to a spot and that is that.

Mr. Hughes indicated that at their meeting with them, they felt that this neighborhood needed its own access point. He hears the neighborhood saying that they are fine with the way that it is.

Mr. Panico stated that they have the testimony, they know what the neighbors want and now they have to go back and argue with the DEEP.

Mr. Hughes responded that this puts them in a position that is amenable but (inaudible)...

Comm. Dickal stated that she doesn't see how that is workable. She thinks that is a Pandora's Box opening up and these poor people will still have the traffic because everybody talks and everybody is friends with each other and people will have access to this code.

Mr. Hughes stated that they would all come off of River Road.

Mr. Panico commented that they're talking about eliminating that code on River Road.

Comm. Dickal stated that they are going to come down River Road and you're going to block off Fanny with a lock.

Mr. Hughes responded that it will be locked gate with no code.

**Ann DeFilippo, 56 Victory Street, Shelton addressed the Commission.** Ms. DeFilippo stated that as she brought out before, she wanted to know why they are allowing them a single family house, in an R-3 zone. She asked why they are allowing that to be changed to a multi-family and be a part of another subdivision. She stated that if that is done, she indicated that she owns a lot of property on the River, and if that is done, it makes her think that she could do that too and build condominiums. She added that she wouldn't want to do that to her neighbors though; but she would be allowed to do it and so would anybody else who comes in. There is no road there for that public access. The whole thing here is the R-3 zone is single houses and why should that be changed to multi-family.

Chair Parkins indicated to Ms. DeFilippo that she has already made that point to them.

Ms. DeFilippo responded that she really wants to make sure that people really know that because that is the whole picture.

Chair Parkins indicated that there was someone in the back who raised his hand before and she asked him if he would like to speak.

The audience member stated that Mr. Hughes answered his questions. Another member of the audience requested to comment.

**James Welch, 12 Broc Terrace, Shelton addressed the Commission.** Mr. Welch indicated that he was speaking as a concerned citizen because he lives in an R-1 zone and everyone is trying to encroach on him. He commented that what he sees from that site map, there is not a unit on the old, existing land. It has a bathroom and public access from what is shown on the map. He asked why he wanted a zone change if he isn't building anything on it other than a public access.

Chair Parkins indicated that she wasn't sure she was following his question.

Mr. Welch explained that from the property line of the factory to Fanny Street, where the single residence house is located, he asked if they were putting units on the single-family, R-3. They've taken an adjoining property, bought a house here and they're trying to put it together. He commented that the next thing you know, people will be doing that everywhere. They will go right next to zone 1, buy the house in front of it and...

Mr. Panico responded that he believes that the property owner who owns the large piece also owned the house. It was one property owner.

Mr. Welch asked if it was zoned for residential.

Chair Parkins responded that the house is in the residential.

Mr. Welch commented yes, he understands that but asked if the property behind it was not.

Chair Parkins responded yes, correct, they are requesting a zone change.

Mr. Welch commented that they aren't putting their residential housing on the residential zone. All he sees there is a bathroom and a driveway.

Chair Parkins responded that it is a residence. It is currently a residence and will remain a residence. It will become two dwelling units but it is still residential.

Mr. Welch commented OK, it doesn't show that. All he saw was the multi-family...

Chair Parkins responded that it remains residential and becomes a part of a large PDD.

Mr. Welch commented OK but he is still trying to have a house and then have industrial property.

Chair Parkins responded that to answer his question, the applicant is requesting a zone change.

Mr. Welch commented that they need to stop all of these zone changes before they are living in an industrial area throughout the City.

(Audience applause)

Chair Parkins indicated that it was an industrial zone now.

Mr. Welch responded that he knows that but up in Huntington Center they are going to be living in an industrial area and where he lives ...

Chair Parkins stated that they aren't going to speculate about other areas of town, they are just going to talk about this development this evening.

Mr. Welch commented that they need to stop all of these zone changes.

Chair Parkins stated that his point has been taken. She asked if there were any other comments.

Mr. Benjamin Mroz asked if any gravel was going to be moved out of there. It is the side of a hill.

Chair Parkins responded that there is no blasting.

Mr. Panico commented that he asked about gravel removal. There is no substantial excavation.

Mr. Dennis McMorro, P.E. responded that they would not be removing gravel from the site.

Chair Parkins stated that in regard to the timing of the dock approval. She stated that there was a reference made about the City approving it. She indicated that the City approved the use of the building to provide storage for the Sacred Heart University Rowing Team and that is why the docks were put in. The applicant, at that time, had submitted an application to the DEEP to put the docks in for the skulls and the boats that accompany them. The docks that are currently there are not large sized docks for large motor boats. They are 8 to 20 feet wide versus 20 to 26 wide so the bigger boats cannot get in there. This information was presented at the last public hearing. Because of the fact that the dock was already permitted, but it took so long for the State to permit it that the Sacred Heart University rowing team obviously found someplace else to go. The docks remain permitted by the State, the docks were not permitted by the City.

Ms. DeFilippo commented that it were approved for one purpose and asked if it wasn't null and void if the use changes.

Chair Parkins responded that the dock was permitted by the State and it stays with the land. She indicated that there was another question about Petremont Lane that she doesn't have the answer to.

Mr. Panico stated that they could ask the City Engineer.

Mr. Schultz added that the BOA abandoned it in all likelihood.

Chair Parkins commented OK, so it was paper road that was abandoned.

Mr. Schultz responded yes, by a legislative body.

Chair Parkins stated that in regard to the point about the emergency access, the road that was there previously is not going to come back. River Road will be the access into the development, emergency access only for emergency vehicles will be from Fanny Street.

Ms. DeFilippo responded that there is no road there though.

Chair Parkins stated that there will be when the driveway is put through for the new development – the driveway that comes down into the new development.

**Frank Baranowsky, 14 Fanny Street, Shelton addressed the Commission.**

Mr. Baranowsky asked if they were going to use Petremont Lane to go in and out.

Chair Parkins stated that construction access will be from River Road only.

Mr. Baranowsky stated that at last month's meeting, he thinks the Chairwoman said that nobody owns Petremont Lane. He asked how they could have a road there if nobody owns it.

Mr. Panico responded that the question was made earlier that some historical map showed Petremont Lane going all the way down to the River. He said that they are surmising that the BOA took a legislative action at some time in the past and abandoned that portion of Petremont Lane between Route #110 and the River.

Mr. Baranowsky stated that his property joins Petremont's property and he remembers Petremont and he used Petremont Lane to get to his house. His house is right next....

Mr. Panico responded that he wasn't disputing that. Since that time, the City, through the BOA, they believe, abandoned what used to be Petremont Lane from Route 110 down to the River. It was abandoned and became private property.

Mr. Baranowsky asked who owns the property.

Mr. Panico responded that all he knows is that the Applicant has ownership to that strip of land that used to be a part of Petremont Lane years ago.

Mr. Baranowsky asked how they could own it.

Mr. Panico responded that he can't answer those questions.

Mr. Baranowsky asked how they get around that they could use that road as an access route to the River.

Mr. Panico stated that if he's questioning the ownership of the property, they have appropriate warranties/deeds. He doesn't know how he obtained them. He doesn't know that history. All he knows is that it isn't a City street anymore.

Mr. Baranowsky stated that he's been there 65 years now. He was the first resident on Fanny Street. He's been there a long time, he knows the property. Petremont's property, when he was going to New Hampshire, he came to his house 2 or 3 times asking him to buy his property. He came out of the service in 1946 and he didn't have the money to buy his property. This would never have happened...

**End of Tape 1B, 8:30 p.m.**

Mr. Baranowsky continued to say that Petremont's house is still there. He used to use that lane all the way to his house until they built Victory Street, from the end of Victory from Jordan Avenue then he started using that street because it was closer to his house.

Chair Parkins stated that many times the City will abandon roads that aren't being used so that happens. It is certainly possible. She commented that at this point (inaudible)...

Mr. Panico commented that he didn't think they would get an immediate answer out of the DEEP. He said that he thinks that the Commission has to review it, discuss it, put their findings on the table and let the Applicant react to it.

Mr. Baranowsky asked the Chair if he could ask another question. He wanted to know how they could take the ownership of Petremont Lane where he (inaudible)... how could he take ownership...who gave him the permission.

Chair Parkins responded that they didn't say that he...

Mr. Panico stated the only way that he could determine that would be for someone to go and do a title search of that property. A title search of the property would reveal how they came into the ownership of that strip. He stated that is the only answer they can give him.

Mr. Baranowsky asked, in other words, they own that land.

Mr. Panico responded yes, that is what is being represented – that they own the land.

Mr. Baranowsky asked who gave them permission to own the land – that is what he can't understand...

Chair Parkins responded that the land records would be the best answer to that.

Another audience member requested to ask a question.

Diane Klepacky, 18 Barbara Drive, Shelton asked for clarification that there were three private slips and 3 public slips; all slip parking and slip usage will be coming in from River Road. There will not be a walkway or anything else on Fanny Street.

Mr. Hughes responded yes, that is all correct.

In closing, Mr. Hughes stated that this is a transitional area. He showed the IA-2 zone, the R-3 and their density is well above the R-3 requirements of 7500, they are almost at 9700 square feet per unit. Their units are 180 feet from the neighboring properties. They've provided the buffer, shutting off this access. The access off of Fanny Street will be as it is today from the garage from 41 Fanny Street. The extra unit will use the development loop. He showed on the map where they will be moving something and putting the parking in there. It won't be an issue with anybody; they wanted them to provide some parking so it will just be further in. He showed the access point, it is still close to the cul-de-sac so again the neighborhood can come down and access the River according to the State's plan.

Mr. Hughes asked that they close the public hearing. He commented that he thinks that they've addressed the issues and tried to accommodate the neighbor's comments as they have heard them during the last two hearings. He requested that they approve this application. He thanked the Commission.

Chair Parkins asked for a motion to close the public hearing.

**On a motion made by Virginia Harger seconded by Anthony Pogoda, it was voted (4-2) to close the public hearing for Application #14-8.**

An unidentified audience member commented that they requested an extension and asked if it was denied.

Another unnamed audience member asked (inaudible)...

The unidentified audience member asked again if the 30 day extension that they requested was denied.

Chair Parkins responded that the Commission understands all of the issues. She added that coming back with anymore petitions will not make a difference.

There was a comment about the concerns of the public.

Chair Parkins clarified that nothing has been approved tonight. They have just closed the public hearing.

She called a brief recess before the next public hearing. She requested that members of the public not staying for the remainder of the meeting please exit to the hallway.

**Recess 8:37 p.m. – 8:45 p.m.**

Chair Parkins resumed the meeting at 8:45 p.m. and stated that they would be opening the public hearing for Application #14-10 and then making a motion to continue it until July 8<sup>th</sup>.

**APPLICATION 14-10: R.D. SCINTO, INC. FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (OFFICE BLDG), 20 COMMERCE DRIVE, MAP 38, LOT 1, LIP DISTRICT**

Chair Parkins asked the P&Z Secretary to read the Call of the Hearing.

Comm. Harger read the Call; there was no applicable correspondence to be read into the record.

Chair Parkins indicated that the Applicant has requested that this public hearing be continued to their next meeting.

**On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to continue the public hearing for Application #14-10 until the July 8, 2014 P&Z meeting.**

**PROPOSAL OF SHELTON PLANNING & ZONING COMMISSION: AMENDMENT TO SECTION 23, PERMITTED USES, SUBSECTION 23.2, PROHIBITED USES BY ADDING A NEW PARAGRAPH PROHIBITING MEDICAL MARIJUANA DISPENSARIES AND PRODUCTION FACILITIES.**

Chair Parkins asked the Secretary to read the Call of the Hearing.

Comm. Harger read the Call; there was no applicable correspondence.

Mr. Schultz provided some background for the Commission and the audience. He indicated that the State Legislation passed Public Act 12-55 which went into effect October 1, 2012 which provides for the registration of marijuana users in the licensing of growers and dispensers of marijuana to be used to alleviate symptoms of debilitating medical conditions. With that said, the P&Z Commission adopted a moratorium which expired June 1<sup>st</sup> of this year to enable the Commission to formulate regulations to properly regulate it. Subsequent to that, the P&Z Commission received a request from Corporation Counsel that stated that currently under Federal Law and particularly the Controlled Substance Act currently prohibits the growing, distribution and dispensing of marijuana. Accordingly, it is the opinion of Corporation Counsel that the Federal Law supersedes the Connecticut Public Act 12-55. Accordingly, the P&Z Commission decided that it should put proper wording in the Shelton Zoning Regulations to show the public that it will be and continue to be a prohibited use.

Mr. Schultz indicated that as a side note, Corporation Counsel has advised Staff that the Congress at the Federal level has introduced a bill being processed as they speak. If and when this becomes law of the United States, the P&Z Commission will then go back and formulate and properly regulate the growing and dispensing of medical marijuana.

Mr. Schultz stated that the State of Connecticut, as well as a couple of other states in the Union, decided to allow medical marijuana. This Commission was working on regulations but Corporate Counsel thought it would be best to follow the federal statutes. The Commission agrees and they are following his lead at that time. Accordingly, they have in their regulations a list of prohibited uses which included right now junkyards, medical waste, etc. This will be spelled out in their regulations. The regulations are found on line; there are hard copies in the P&Z Department as well. So if the general public looks at it, if the Commission should adopt these regulations, they will be readily available.

Chair Parkins asked if the Commissioners had any questions or comments. There were no questions from the Commission. Chair Parkins opened the public hearing to the public and asked if there was anyone in the audience wishing to speak on this matter. With no public comments, she requested a motion to close this public hearing.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to close the public hearing for the Proposal of the SPZC: Amendment to Section 23, Permitted Uses, Subsection 23.2, Prohibited Uses.**

Comm. Osak asked when this item would come up as an item of business for a vote.

Chair Parkins responded later tonight under Old Business.

**OLD BUSINESS**

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

Chair Parkins indicated that she would take the remaining agenda items out of sequence to accommodate individuals who are in the audience waiting.

She indicated that they would need a motion to add item Separate #0020 for Kim Benson.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to add an agenda item under Applications for Certificate of Zoning Compliance for Separate #0020, Kim Benson, accessory business use.**

Chair Parkins stated that they will do all four items for Kim Benson - #0015 and #0016 which has been requested to be withdrawn and #0011 and #-0020.

**SEPARATE #0015: KIM BENSON, 50 WATERVIEW DRIVE, BUSINESS**  
**SEPARATE #0016: KIM BENSON, 2 ENTERPRISE DRIVE, BUSINESS**

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the request for withdrawal of Separate #0015 and Separate #0016.**

**SEPARATE #0011: KIM BENSON, 10 PROGRESS DRIVE, BUSINESS**  
**SEPARATE #0020: KIM BENSON, 1 GREENWICH PLACE, BUSINESS**

Mr. Schultz stated that this is for the Kim Benson Weight Loss Center which is currently located at the Crabtree site. The 10 Progress Drive location is where the Valley Chamber of Commerce is located and Ms. Benson is proposing to occupy 2,300 square feet with 8 employees, hours of operation Monday 10 a.m. – 8 p.m.; Tuesday 9 a.m. – 2 p.m.; Wednesday 10 a.m. – 8 p.m.; Thursday, 9 a.m. – 2 p.m.; Friday 7 a.m. – 12 noon and Saturday 8 a.m. to 12 noon.

Mr. Schultz reiterated that this is a business for weight loss counseling. It includes a kitchen and food preparation.

Chair Parkins asked about the address for #0020.

Mr. Schultz responded that was 1 Greenwich Place. This application is being processed as a subordinate use to provide services to the corporate complex that it is within as opposed to a stand-alone commercial entity – an accessory use.

Chair Parkins asked if that means that they wouldn't be accepting people walking in from the street.

Mr. Schultz responded correct, it serves the Corporate Park.

Chair Parkins asked if it would have signage. She asked when he says the Corporate Park, is he talking about the entire Corporate Park or just 10 Progress Drive.

Mr. Schultz responded yes, and added that the Commission over the years has allowed, if there are multiple buildings, like at the Shelton Research Park, to provide services to all the facilities. He commented that the first one would be 10 Progress Drive where the Valley Chamber of Commerce is located.

Mr. Schultz asked Ms. Benson if this was the first floor. She responded yes. Mr. Schultz stated that the Valley Chamber of Commerce was on the 2<sup>nd</sup> floor.

Chair Parkins reiterated to the Applicant that banners, flags, etc. are not allowed.

Ms. Kim Benson responded that she understands that. She indicated that they have a sign out in front of the building and she indicated that they would be putting their name on that.

Chair Parkins responded OK, the monument sign.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #0011 (10 Progress Drive) for business occupancy.**

Chair Parkins asked Ms. Benson if she would be picking between 10 Progress and 1 Greenwich Place for occupancy.

Ms. Benson responded yes, they are coming down to a crunch on time so she is requesting that they both be approved until the decision is made.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #0020 (1 Greenwich Place) for business occupancy.**

**SEPARATE #0013: OPTION CARE ENTERPRISES INC., 100 TRAP FALLS ROAD, BUSINESS**

Mr. Schultz indicated that this is the second tenant in the old W.E. Bassett Company building. This is a home infusion pharmacy. He indicated that the Applicant is present in the audience. This involves a State of Connecticut Pharmacy License but unlike a pharmacy, the public does not go there. This is a professional pharmacist ...he asked the applicant for clarification.

The applicant, (name inaudible), Director of Pharmacy with Walgreen's Infusion indicated that they dispense capsules only, no pills. He stated that they make all IV medication on the site and send it to the patient's homes with CT. They have no patients coming into the facility.

Mr. Schultz indicated that this is a unique business.

Chair Parkins asked about the type of pharmaceuticals he was speaking of.

The Applicant responded antibiotics, steroids, enzyme replacement, IV hydration.

Chair Parkins asked who regulated this business.

The Applicant responded that they are regulated exactly the same way that the retail pharmacies are regulated. They are called "closed-door" pharmacies because they don't have patients walking in; like a pharmacy in a hospital where they prepare IV's in a lab with a flow hood and a sterile environment and then take them to the patient's home where a nurse will come in and administer it as an alternative to being in a hospital.

Chair Parkins asked if he had a delivery service.

The Applicant responded yes.

Comm. Harger asked how they receive the prescriptions.

The Applicant responded that the prescriptions are taken from a referral at a physician's office or a discharge planner or care coordinator out of a hospital. So the minute you are admitted to a

hospital, a discharge planner is working on your discharge home so if you are on 7 days of IV antibiotic, you may have 3 days in the hospital but may need the remaining days of the IV at home.

Chair Parkins asked if he had alarm systems and that sort of thing.

The Applicant responded yes. They have the same regulations as a retail pharmacy.

Chair Parkins commented that was very interesting; she wasn't aware such a business existed.

The Applicant responded yes, it is interesting; he has been doing it for 15 years now.

Chair Parkins asked if they were relocating to Shelton from another location.

The Applicant responded yes, from Stratford. Chair Parkins welcomed him to Shelton.

**On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to approve Separate #0013.**

**SEPARATE #361: COMMERCIAL AIR SERVICE, 506 SHELTON AVENUE, PROPANE TANK**

Mr. Schultz stated that the Applicant was not here. He commented that they need to table it because he called him to come to this meeting.

**On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to table Separate #361.**

**SEPARATE #0012: BIRMINGHAM ASSOC., 145 CANAL STREET, SECURITY FENCE**

**Catherine Hotova, 145 Canal Street, Shelton, representing the Birmingham On The River Board of Directors, Unit Owners & Tenants addressed the Commission.** Ms. Hotova distributed hand-outs to the Commissioners including photos and information regarding their request for security fencing in Birmingham parking lot area.

Ms. Hotova stated that they would basically like to request having a fence placed the length of their parking area, including their parking deck and including another open area farther down for parking. The main reason for the fence would be for security reasons and liability. Since reconstruction of Canal Street with the street being widened and the sidewalk added (it wasn't there before, it was grass), the level of their parking lot is now 20" lower than the sidewalk that runs the length of the parking area.

Ms. Hotova referenced the photos provided showing the level difference beginning at 15" and increasing to 20" along the sidewalk. She indicated that they are concerned that anyone could just walk over into their parking area. She commented that one of the photos shows the beginning of the sidewalk which is level with the parking area and the next photo shows how the sidewalk level changes. Before the new street was constructed it was level. There was a lot of flooding on Canal Street and she understands that there are new sewers for the flooding and there was excavation done.

Ms. Hotova commented that they are concerned about people falling while walking too. During construction in the fall, the company that the City hired told the Birmingham to construct the fence before the winter started. She referenced a copy of that email from the packet advising them to do that.

Ms. Hotova commented that they had looked into the fence options and now they have several bids from a few companies. The company that they have selected is Eco Fence and Guard Rail. She indicated that they have a copy of their proposal and the first page shows an example of the 4 foot high fence. She indicated that they have an existing fence at the beginning portion of their parking deck. She referenced that photo and indicated that they propose to take that down.

When the City did reconstruction, they removed their fence because they installed a brand new sidewalk and put the fence back up. The fence is about 8 years old, a little rusty, so they will be taking it down. The new fence will run the length of the parking deck and the portion of the open parking area which is approx. 400 feet. The fence company measured and determined it to be approx. 400 linear square feet so the fence would be 4 foot high (the length of the current one which will come down) with 8 foot wide panels, ¾" pickets. It will be very similar to what they have, green in color, commercial grade, the brand is Alumi-Guard Fence Product and the Style is Victoria. She referenced the company material located in her hand-out.

She indicated that they will match their fence with the "quad" finial which is also pictured. She indicated there is also a rendering on the last page of what the completed fence would look like.

Ms. Hotova reiterated that they would have the fence for security reasons, prevention of falling, handicapped safety and definition of the property line. She stated that they want to define their property line at the length of their parking lot because presently it appears to be an open area. The photos show that presently there is easy access into their parking area. She stated that the Avalon apartments have been built across the street from their parking area so there are now a lot of people walking near their parking area. A lot of the reason for so many people in their parking area is for the purpose of smoking. She added that was another concern that they have. The Avalon tells their tenants that they must smoke across the street. If they stood on a sidewalk it would be OK, but they are smoking in their parking lot, leaning on their cars, sitting on the walkway so they would like to define their property line.

Ms. Hotova indicated that Avalon has a similar fence across the street to match their building. This one would be green to match the rest of the Birmingham fence. They would like it to be a deterrent so that people aren't constantly just walking into their area. On a rainy day, they aren't smoking on the sidewalk but in their parking deck. On a hot sunny day, they are sitting on their deck and stairwell.

Chair Parkins asked if they were planning on putting up a signing saying "Private Property," or "No Trespassing."

Ms. Hotova responded that they already have. On the far left of the parking entrance they have a sign; they have a sign at all of their entrances. There are four driveways but at the end parking area they don't have anywhere to put the sign. There is a sign where the canal is but, of course, cars are parking there, but that is another issue.

Chair Parkins asked if they would be extending the fence down to that point.

Ms. Hotova responded that the fence will be going all the way down to the last driveway.

Chair Parkins commented that they could put another sign up then.

Ms. Hotova responded yes, and commented that they figure that they can move the sign so it is more identifiable. She added that is why they want the fence to define the property although safety is the main concern and to deter people from walking across the street to smoke.

Chair Parkins asked if they have approached Avalon and mentioned these concerns.

Ms. Hotova responded that they have, she personally has not but members of the Board have approached the Avalon. When they see their cars, and the Birmingham folks complain to the Board, the Avalon responds that they are probably guests and they can't do anything about. She indicated that some of the Birmingham people have approached individuals parking in their area telling them not to park.

Chair Parkins stated that they could have them towed.

Ms. Hotova commented that not only have them towed, but the people will say that the Avalon said they could park there. Even though it is not the case, it is probably easier for them to just tell their guests to park across the street. By defining the property, they hope...parking is an issue.

Chair Parkins stated that they define the property and put a sign indicating that it is private property and trespassers will be towed. They have the legal right to have them towed. It will be something that they have to police.

Ms. Hotova responded OK. They hope the fence will help but their main concern is about the safety with the sidewalk.

Chair Parkins asked if they would be replacing the upper parking deck fencing as well.

Ms. Hotova responded no, but they are going to paint it because it has been there about 7 or 8 years. She summarized that was the reason that they would be taking out the fence on the lower parking deck so it will match compared to an 8 year old fence with rusting. The new fence will run the length of the lower parking deck to end of the open parking area and then they will paint the fence on the upper parking deck.

Chair Parkins commented that it would be similar to but not the exact design of the Birmingham.

Ms. Hotova responded that they couldn't get any of the original paperwork when they spoke with the original developer. The information that they received was that it was built by a company out of state, not a fence company, and it was custom-made so they can't get the exact fence. She stated that is why she brought the pictures to show the Commission. It is a fence that is very close and at least the finials will be the same, it will be staggered slats and it will be core-drilled into the sidewalk.

Comm. Pogoda asked if the paint on the upper deck would be similar.

Ms. Hotova responded that it would be green that is why she included samples of the basic green. Of course, the upper fence on the upper deck has faded.

Comm. Pogoda asked if she said that she would be repainting it pretty much the same color or as close as possible.

Ms. Hotova responded yes, the lower level fence will be new and above it will be painted.

Chair Parkins commented that she didn't have any other concerns.

**Comm. Harger made a motion seconded by Nancy Dickal, it was unanimously voted to approve Separate #0012.**

Chair Parkins moved to some of the Old Business Applications who have people waiting in the audience.

**APPLICATION #14-5: PETITION OF CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS TO MODIFY STATEMENT OF USES AND STANDARDS FOR PDD #27 AND DETAILED DEVELOPMENT PLANS (ROOF MOUNTED TELECOMMUNICATIONS FACILITY), 695 BRIDGEPORT AVENUE, (MAP 29, LOT 1) (REQUEST FOR WITHDRAWAL)**

Chair Parkins asked for a motion because the Applicant has requested to withdraw this application.

**On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to accept the request for withdrawal for Application #14-5.**

**PROPOSAL OF SPZC: AMENDMENT TO SECTION 23, PERMITTED USES, SUBSECTION 23.2, PROHIBITED USES BY ADDING A NEW PARAGRAPH PROHIBITING MEDICAL MARIJUANA DISPENSARIES AND PRODUCTION FACILITIES**

Mr. Schultz indicated that he has prepared a draft resolution for the Planning & Zoning Commission to consider which reads:

**\*See attached P&Z Report Resolution dated June 10, 2014, Amendment to Zoning Regulations, Section 23, Subsection 23.2 Prohibited Uses (adding new paragraph prohibiting medical marijuana dispensaries and production facilities).**

Whereas the Commission has been advised by Corporation Counsel to prohibit medical marijuana and production facilities insofar as Federal Law, particularly the Controlled Substances Act prohibits the growing, distribution and dispensing of marijuana. Currently under Public Act 12-55 Medical Marijuana Dispensaries and Production Facilities are Permitted Uses. Whereas, the Commission has determined the need to list medical marijuana and production facilities as a prohibited use under Subsection 23.2, so the general public is aware of this prohibition. Whereas, the Commission recognizes that the proposed amendments are needed to protect the public health, safety, welfare for the citizens of the City of Shelton. Whereas the Commission conducted and closed a duly noticed public hearing on June 10, 2014 and made referrals to Council of Governments and Connecticut DEEP as required by State Statutes therefore be resolved by the Shelton Planning & Zoning Commission as follows: Shelton Zoning Regulations are hereby amended as follows:

- a. By adding a new paragraph 23.2.5 under Subsection 23.2 Prohibited Uses as follows: 23.2.5 Medical Marijuana Dispensaries as defined by Section 9 of Public Act 12-55 and Medical Marijuana Producers as defined by Section 10 of Public Act 12-55.
- b. Said Amendments shall become effective on Friday, June 13, 2014 at 8 a.m.
- c. Said Amendment is adopted for the reasons set forth above are consistent with the adopted Plan of Conversation and Development and does not conflict with the Comprehensive Zoning plan of the City.

Mr. Schultz stated that this would require a motion, a second and a roll call vote.

Comm. Pogoda made a motion and Comm. McGorty seconded. With no further comments, Chair Parkins conducted a roll call vote of commissioners.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously Roll call voted (6-0) to approve the Proposal of the Shelton Planning & Zoning Commission: Amendment to Section 23, Permitted Uses, Subsection 23.2, Prohibited Uses (adding a new paragraph prohibiting medical marijuana dispensaries and production facilities).**

**APPLICATION #14-11: KAPTODD, LLC FOR SITE PLAN APPROVAL (LIGHT INDUSTRIAL BUILDING), 48 TODD ROAD, MAP 63, LOT 18, 1A-3 DISTRICT**

Mr. Schultz stated that information was provided in the packet to the Commission, he provided a rendering of the proposed building. Comm. Harger read correspondence from the Fire Marshal and the City Engineer.

**\*See attached correspondence dated June 5, 2014 to Richard Schultz, P&Z Administrator from Shelton Fire Marshal, James Tortora.**

**\*See attached correspondence dated June 5, 2014 to Richard Schultz, P&Z Administrator from City Engineer, Robert Kulacz.**

**James Swift, P.E. and Landscape Architect, representing the Applicant addressed the Commission.** Mr. Swift indicated that this is a spec building on Todd Road. They have chosen to develop it in accordance with the site plan approvals, no public hearing is involved.

Mr. Swift indicated that they are basically looking to get the site cleared. There is an existing house and foundation that they would like to have removed. They want to see if they can get

some activity for selling the property. The development that they see so far is complete as far as grading, drainage, landscaping, things of that nature but it is speculative in nature.

He indicated that they had basic architecture for them to see and site development plans. He added that should anything arise that would vary from these plans for an actual user, they recognize that they would have to come back to this Commission.

Chair Parkins asked if they were putting in a spec building or just getting approval for a spec building and if they find someone to use it, then they will build it.

Mr. Swift responded that he suspects that he's going to be starting the foundation, structural work until he has a user which doesn't preclude that but that is his feeling.

**End of Tape 2A, 9:20 p.m.**

Mr. Schultz added a demolition permit.

Mr. Swift responded yes, a demolition permit for the house, get the site cleared, get a little rough grading going with the appropriate erosion control and drainage which is shown in the plan.

Comm. Harger asked if this was to the right of the Spooner House right before the vet.

Mr. Swift responded yes.

Mr. Panico indicated that Staff has had an opportunity to review the plans and has had a couple of conversations with Jim Swift. It is pretty straightforward with a couple of little technicalities that showed up but they have prepared a Staff Report. He read the prepared Staff Report for Kaptodd LLC.

**\*See attached P&Z Report for Application #14-11 Kaptodd, LLC for Site Plan Approval (Light Industrial Building), 48 Todd Road, Map 63, Lots 18, IA-3 District.**

Comm. Harger asked to hear the #7 recommendation again.

Mr. Panico read "to ensure that occupant demand is satisfied with available parking." He commented that he was saying that they don't know who the occupant is so they can't tell them if 14 spaces are enough. He is trying to tell the Applicant that when you go looking for an occupant, they have to keep in mind that their parking needs have to match the 14 spaces.

Comm. Harger stated that would be the concern she has because there is a spillover from the Spooner House and they park on the street.

Mr. Panico stated that is what they don't want to have happen here. They had that concern with the Spooner House but they were reassured that it wouldn't be an issue.

Comm. Harger indicated that maybe it wasn't happening every day, but there were times she's noticed it.

Mr. Panico stated that it does require an action by the Commission and a vote. If someone wants to move the approval, they can move it subject to the Staff Report and the conditions spelled out.

**On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to approve Application #14-11 with the conditions noted in the Staff Report.**

**APPLICATION #14-13: WH/CH 466 BRIDGEPORT, LLC FOR MODIFICATION OF SITE PLAN APPROVAL (RAISE ROOF), 466 BRIDGEPORT AVENUE, MAP 63, LOT 23, IA-3 DISTRICT**

Mr. Panico indicated that this was an application for the modification of a site plan but there is really no site plan to modify. Their site plan approval process includes buildings and the

Applicant is proposing to make a modification to the building so, therefore, the basic site plan application has to be modified.

Mr. Panico presented a building rendering and indicated that they propose to take this rather large building – originally built for Sikorsky, a private lease to Sikorsky. Apparently, the clearances inside the building are an obstacle to the reuse and re-occupancy of the building. The building owners are proposing to leave the sides intact and lift the roof system by ten feet, fill in the outer walls and raise the interior walls and raise the mechanicals up. He stated that is all it is physically doing. Right now, it is a concrete block building. The 10 feet addition to be provided on it would be finished with an insulated metal panel.

Chair Parkins asked if it would be two floors now.

Mr. Panico responded no, it is one floor with a high bay ceiling.

Comm. Harger asked for clarification as to which building this was on Bridgeport Avenue.

Comm. Pogoda responded that it was the building across from Wal-Mart with the trees in front.

Mr. Panico stated that this is very simple modification from their point of view. He read the Staff Report for approval.

**\*See attached P&Z Report for Application #14-13, WH/CH 466 Bridgeport LLC for Modification of Site Plan Approval, 466 Bridgeport Avenue dated June 10, 2014.**

Chair Parkins commented that they have quite a bit of parking there already.

Mr. Panico responded yes, but he feels it is important to tell them so that they know that the Commission will be watching their tenants.

Chair Parkins stated that the Applicant indicated that currently there is not a tenant identified.

Mr. Panico commented no, but apparently their marketing of this space has been impacted by the fact that it has a low ceiling height.

Mr. Panico stated that he assumes that they will coordinate with Staff on the coloration to make sure that those panels match.

Chair Parkins commented that sometimes that is difficult to do and they may have to spray paint the whole building.

**On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to approve Application #14-13.**

#### **NEW BUSINESS**

**APPLICATION #14-14: CATHERINE S. BRENNAN, LLC FOR RE-APPROVAL OF SITE PLAN (BLDG. ADDITION/PARKING EXPANSION), 7 PROGRESS DRIVE (MAP 28, LOT 26), LIP DISTRICT: ACCEPT, DISCUSSION, POSSIBLE ACTION**

Mr. Schultz indicated that this is the last piece of the puzzle that involves these two parcels: 7 Progress Drive and 4 Research Drive for the parking. The Applicant worked out a lease arrangement but also found out that the previous approval from 1995 had lapsed. The Commission was informed during the public hearing process that this last component would come before the Commission to re-approve the addition and the parking.

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

**Jeffrey Gordon, Landscape Architect, President, Codespoti & Associates P.C., 504 Boston Post Road, Orange CT addressed the Commission.** Mr. Gordon indicated that Mr. Brennan

purchased the property and consolidated his business in that property under the impression that he had the expansion lines of the initial approval. This is a major housekeeping issue to re-establish what he thought he had; he's been given the right to expand the building to what was approved in 1995 to show where the parking put in as was in the approved plan. Initially he will add about a dozen parking spaces right away. He indicated that is what the plan shows and they are in addition to the plans that they approved as far as the Research Drive property. He believes that the old file of information was re-introduced into this file and they are just trying to ...

Mr. Schultz asked if the addition would match the existing façade.

Chair Parkins commented that they didn't have any information in their packets on this and asked him to present his drawing and explain.

Mr. Gordon provided a site drawing and explained that the building that was constructed was about 10,600 square feet. The total building was going to be 20,900 square feet with parking area out front. They have shown parking that would comply with their current regulations which only allows 50% of the front setback to be parked. In the original approval they had another row of 18 spaces there that would not be installed but the lawn area would remain there for an overflow situation. He indicated that sometimes they have open houses where they have salespeople come in to see displays, etc. They could possibly park on the lawn area but more likely they have a nice street there that they might park on once or twice a year for these types of events.

He showed the location of the parking lots in two locations. The housekeeping measures are to get the approval for future expansion of the building and future expansion of the parking lot between the building and the front yard setback.

Mr. Schultz indicated that the architectural renderings show aggregate panels for the lower half of the addition with the bronze vertical.

Mr. Gordon responded that they will match the building that they have there now. If they decide at that time that they want to do a new skin of building, to make it more contemporary, they will come back to the Commission for that approval.

Chair Parkins asked what the purpose would be of the expansion of the building – to house more people or house more ...

Mr. Gordon responded that there were two things. Number one, that is what he thought he was buying and that's the value that he put into the property and secondly, if business is good, it would be a proportional expansion of the building. He stated that if it is 10,000 square feet, there would probably be 800 square feet of office/restroom with the rest of it being light assembly and storage. It would be the same balance of what is in the building now but just an expansion of it; it would not be a change of use. It would be something similar to what he has there now.

Mr. Gordon commented that presently he is growing at about 3% a year. If the economy were to boom and he grew bigger than it would accelerate but to protect his investment on the property, he thought he was buying a 21,000 square foot potential, he's trying to re-approve that.

Chair Parkins asked when his open houses are typically held – during the week, Saturdays...

**An unidentified representative from California Closet** stated that the last one was on a Thursday or a Friday.

Chair Parkins stated that she was a little bit concerned about on street parking because it is a very heavily walked street for everyone that works in that corporate park. They are already battling with traffic.

Mr. Gordon commented that they are usually in the evening.

The California Closet Representative stated yes, this is a once or twice kind of thing during the day. He commented that they have another showroom in the Norwalk area where they do most

of their functions and that is their primary headquarters. This location is more for manufacturing and offices. He stated that their salespeople used to work out of here, with a showroom out of there but all of that is moving down to Norwalk. Usually, if they have an open house, it is more for their colleagues not their customers – in the manufacturing end of things.

Mr. Gordon stated that if this was expanded and he did that open house, they would have the parking over there which would be mostly paved but there would be a lawn area that they could pull off into if they needed more parking.

Chair Parkins stated that she would not recommend that either. If they have grass there and they have an open house on a rainy, muddy day, they are going to have a mess.

Mr. Panico stated that if anything, he would use the grass pavers.

Mr. Gordon referenced the plan and indicated that it is showing that the original approval had the parking spaces over in this area. Now the way the regulations are today, not back when this was originally approved, they are only allowed to park in 50% of that setback so he can't pave those spaces that were originally approved to be paved. He added that he is limited to pavement in the future to one side of single-loaded. He could put in a mountable curb and they could pull over there on the once a year possibility that they might want to do something of that nature.

Chair Parkins stated that they can't approve something that is only going to happen once. They can tell them that it will only happen once but he may start having open houses once a month. If they give approval, it's carte blanche...

Mr. Gordon responded that the plan label says 17 spaces overflow event lawn parking. If they want to strike that from the plan it is up to the Commission. He is really just trying to show any possibility. He stated that the original plans that were approved had that as paved. They aren't asking for that now because they are trying to concur with the current regulations.

Comm. Harger commented that maybe one of the things that they could look into is to provide some kind of shuttle bus service for these special events. They can park in another lot somewhere and ...

Mr. Panico stated that they are talking about something that is a possible future event.

Mr. Gordon commented that he hopes that they have these problems because that means business is great everywhere.

Mr. Panico stated that they may find by that time that this building is unoccupied and you really didn't need all that parking.

Chair Parkins commented that they don't know who is going in there yet.

Mr. Gordon responded that he didn't know either.

Chair Parkins added that nobody knows; it is a secret.

Mr. Gordon indicated that another thing that is a possibility is that 15 years down the road if things are such that that a tenant isn't there anymore, this parking goes back to him and he doesn't need any additional parking. He stated that he always tells people that they don't operate with a crystal ball, all they have is a rearview mirror. He is trying to...

Chair Parkins stated that their rearview mirror usually centers on the parking so...

Mr. Gordon commented that there certainly is a lot of parking that has been proposed in this area. If they want to strike that part out in their consideration, they have no objection to that.

Mr. Schultz indicated that he has prepared a draft motion if the Commission is ready to act.

Comm. Dickal asked what was in question here.

Using the site drawing, Mr. Gordon explained that the original approval back in 1995, this area on the site was paved. The regulation now only allows 50% of that to be paved. He showed the curved line he added and suggested that could be lawn parking for overflow cars. He stated that they are taking that aspect out to meet the regulations.

The California Closet Representative stated that to alleviate their concerns about parking, they currently have 22 employees. One third of them are design staff that work out of the Norwalk location and with this plan between the front, rear and other parking with 4 Research Drive, they have 40 parking spots.

Chair Parkins commented OK.

The California Closet Representative commented that they had almost double. Usually when they have an open house it is for mechanics, CNT people and usually there are about a dozen people, not a hundred; it is basically a small group of professionals.

Comm. Dickal asked if he would say about 10 people would come in addition to the Staff that is already there.

Chair Parkins stated that with the little bit of buffer, the proposed special event parking that they have indicated there and the buffer to the road – she asked if that was City right-of-way.

Mr. Schultz responded no, they own that.

Chair Parkins asked if they owned right up to the curb.

Mr. Schultz responded no, 10 feet in from the curb line is the right-of-way.

Chair Parkins responded OK and asked Mr. Schultz to read the Draft Resolution.

Mr. Schultz read the motion to reapprove the site plan for P&Z Application #14-14.

**\*See attached P&Z Application #14-14 Re-Approval of Site Plan for Building Addition and Parking Expansion for 7 Progress Drive with conditions of approval.**

He clarified the Condition #33 would be for the elimination of the lawn parking designation.

**On a motion made by Nancy Dickal seconded by Thomas McGorty, it was unanimously voted to approve Application #14-14 with the noted conditions.**

**APPLICATION #14-15: PETITION OF BUTLER COMMERCIAL SERVICES, LLC TO MODIFY STATEMENT OF USES AND STANDARDS FOR PDD #43 (NEW USES), 97 BRIDGEPORT AVENUE (MAP 117, LOT 3): ACCEPT AND SCHEDULE PUBLIC HEARING**

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to accept Application #14-15 and schedule a public hearing for July 8, 2014.**

Chair Parkins indicated that they would return to the Old Business item for Wonder Years Learning Center.

**OLD BUSINESS (CONT.)**

**APPLICATION #14-9: WONDER YEARS LEARNING CENTER FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (CHILD DAYCARE CENTER), 60 TODD ROAD (MAP 63, LOT 19), 1A-3 DISTRICT (PUBLIC HEARING CLOSED ON 5/28/14).**

Mr. Schultz stated that the Commission directed Staff to prepare a favorable resolution on this application. He asked if the Commissioners had any questions. There were no questions and he added that it is very straightforward. This is the reuse of that commercial building so it is a great

fit. As they know, the Applicant was looking to occupy the house on lower Long Hill Cross Road and she is looking to vacate their location at United Methodist Church. There was no opposition at the public hearing. There is plenty of parking, handicapped access is provided and fencing is to the rear. He didn't know if the Commission wanted any type of decorative fence because you really won't see it.

Chair Parkins responded no and added that she thought this was a good location.

Comm. Pogoda agreed that there was no sense in them putting any more in than they have to.

Mr. Schultz read the Draft Motion to approve the Site Plan/Special Exception for Application #14-9.

**\*See attached P&Z Report for Application #14-9: Wonder Years Learning Center for Special Exception/Site Plan Approval (Child Daycare Center), 60 Todd Road, Shelton.**

**On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to approve Application #14-9.**

**Applications for Certificate of Zoning Compliance (Cont.)**

**SEPARATE #6908: R.D. SCINTO, 4 CORPORATE DRIVE, BUSINESS**

Mr. Schultz indicated that the previous tenant was Take Care Health and the new tenant will be Dr. Philip Hemmers, Allergist & Immunologist occupying 2040 square feet, 7 employees, hours of operation Monday thru Friday, 10 a.m. to 6 p.m. Staff recommends approval.

**On a motion made Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6908 for business occupancy.**

**SEPARATE #6907: R.D. SCINTO, 2 CORPORATE DRIVE, BUSINESS**

Mr. Schultz stated that this occupant will replace the former United Site Services; this is for Irene Bekech, a reinsurance company. The leased area is 3378 square feet, 17 employees, hours of operation Monday thru Friday, 8 a.m. to 5:00. Staff recommends approval.

**On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to approve Separate #6907 for business occupancy.**

**SEPARATE #6904: CUMBERLAND FARMS, 20 HUNTINGTON STREET, SIGN**

Mr. Schultz indicated that this location is at Huntington Center.

Chair Parkins commented that she was surprised that the Applicant is not here. She added that there are a lot of signs at this place.

Mr. Schultz agreed that there were a lot of signs here. He passed around renderings of the proposed signage.

Chair Parkins commented that you certainly know this is a Gulf Station after you drive by all of this.

Mr. Schultz reviewed the pages showing different sign renderings. The first page shows Exhibit 1 and Exhibit 2 for the canopy proposal. One exhibit shows the multi-colored option and the other option is for solid white, which is the Commission's preference. He added that they have done white for all the Cumberland Farms and the Sunoco on Howe Avenue.

Chair Parkins asked if it would be all white, all the way around.

Mr. Schultz responded yes, all white with no signage.

Comm. Harger commented that she thought it looked really boring. Comm. McGorty agreed and asked about doing something on the panels.

There was a discussion as to whether or not food was sold in this Cumberland Farms and it was determined that it was just snack foods and candy and not groceries (comments inaudible)...

Chair Parkins asked about Comm. Harger's comment that it looked boring.

Comm. Pogoda asked if she wanted signs all over it.

Chair Parkins commented that it was more about the design; it looks like puzzle pieces.

Comm. McGorty agreed that it was panelized. It looks like they tried to put some detail on it.

Chair Parkins stated that she wasn't sure if that helped or not. She doesn't think that they did anything with the actual canopy itself; it is still just square or oblong with a flat roof.

Comm. Harger noted that it says on the left side of each option page, what the recommendations were. Option 2 leaves the canopy alone and adds some options.

Chair Parkins stated that Option 1 with the blue doesn't bother her but it doesn't really conform with the historic area.

Comm. Tickey agreed that it was right across from the Green and with the new market there...

Chair Parkins commented that to that point she would keep it white but would like to see some sort of design element on it.

Mr. Schultz indicated that the Zoning Board of Appeals approved this monstrosity and this was 18 years ago and the phone is constantly ringing off of the hook about this.

There were further comments about sign renderings shown on the other pages, the molding and the canopy roof structure, the colors and wanting to see a design more consistent with the New England look of the surrounding area (comments inaudible)...

Mr. Schultz indicated that the sign company for fixtures and lighting is Blair Companies out of New York representing Gulf.

Chair Parkins commented that she would like a motion to table this and request the Applicant to come back with a larger architectural drawing and that the Commission requests to see something with more of a village appeal.

**On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to table Separate #6904.**

**SEPARATE #0008: J. DEDUVIC, 888 BRIDGEPORT AVENUE, SIGN**

Mr. Schultz stated that this is the new signage for Villa Pizza who has changed their name to Outpost Two which is a franchise. He added that Villa Pizza was one of the first occupants in the Stop & Shop Plaza.

Chair Parkins didn't like the look of the sign rendering. Comm. Dickal agreed and commented that it doesn't coincide with the other signs there.

Mr. Shultz stated that they want to sell the pizza in the restaurant.

There were other comments regarding the location of the restaurant, the new sign and the consensus that the Commission did not like the design provided.

Mr. Schultz stated that he would call the new owner and let him know that the Commission would like them to redesign the sign.

**On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to table Separate #0008.**

**SEPARATE #0001: ROYAL WELLS, 194 LEAVENWORTH ROAD, WALL SIGNS**

Mr. Schultz indicated that this would be signage for the Ya-Ya Salon in the White Hills Shopping Center. The Commission authorized Staff to go up and they have installed it and they also reduced it.

**On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to approve Separate #0001 for signage.**

Chair Parkins asked for details about the Commercial Air Service, Separate #361 which was tabled earlier.

Mr. Schultz indicated that it was for Webster Bank in Huntington Center. Webster Bank is currently heated with electric heat and the system is breaking down and they've decided to go with propane.

Comm. Harger asked for more detail about the Staff Approved Separates for Separate #6919 for fill & grade for landscaping.

Mr. Schultz responded that with the new regulations they allow up to 200 cubic yards as of right and up to 400 cubic yards with a zoning permit, which this applicant took out for purposes of landscaping. He added that notices were sent to property owners and Staff has the ability to mandate that the property owner hire a P.E. if there are any issues. He stated that they canvassed the neighborhood and it is pretty straightforward.

Comm. Harger asked how they will monitor the type of fill used.

Mr. Schultz responded that for the fill they get an affidavit indicating that it is clean. They have plan as to when they will be completed. It is great conditions for grass growing right now.

Comm. Harger commented that they don't want anything like what happened on Lady Slipper.

Mr. Schultz agreed and stated that this is the first one under the new regs and so far it is working.

Comm. Harger asked about Staff Approved Separate #365 for the carnival/temp signs for the United Methodist Church of Shelton on Rocky Rest Road.

Chair Parkins asked if they ever had a carnival before.

Mr. Schultz responded that they had one in 1992.

**PUBLIC PORTION**

Chair Parkins asked if there was anyone in the audience wishing to address the Commission on any item not on the Agenda. There was no one in the audience and no comments.

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

**OTHER BUSINESS**

**APPROVAL OF MINUTES: 4/8/14 AND 4/23/14**

**On a motion made by Anthony Pogoda seconded by Jim Tickey, it was voted (5-0, with one abstention) to approve the minutes of 4/8/14 and 4/23/14. Comm. Harger abstained from voting.**

**DISANTOS TECHNOLOGY: 10 CONSTITUTION BLVD SOUTH: REQUEST TO RELEASE SITE BOND AND SEDIMENT & EROSION CONTROL BOND**

Mr. Schultz stated that OD Realty, LLC is requesting the release of the \$5,000 Sediment and Erosion Control Bond and the \$10,000 Site Completion Bond for improvements associated with 10 Constitution Boulevard South for DiSantos Technology across the street from the diner. They put a small addition on to the left of the building and it has been stabilized. Staff recommends approval.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve the request to release the Sediment & Erosion Control Bond and the Site Completion Bond for DiSantos Technology located at 10 Constitution Boulevard South.**

**BENCHMARK ASSISTED LIVING: 708A BRIDGEPORT AVENUE: REQUEST TO RELEASE SITE BOND AND SEDIMENT & EROSION CONTROL BOND**

Mr. Schultz indicated that Benchmark Assisted Living LLC requests that the bonds for \$10,000 for Sediment & Erosion Control and \$40,000 Site Completion for improvements associated with 708A Bridgeport Avenue be released.

Comm. McGorty asked if everything was all set there and if it was premature at that site.

Mr. Schultz responded that Sediment & Erosion for \$10,000 is fine and asked if they wanted to reduce the \$40,000 Site Bond by half.

Comm. McGorty responded yes, they should keep something in there because it hasn't been that long. He'd like to see things progress and see what happens.

Mr. Schultz asked for a monetary amount.

Chair Parkins suggested \$10,000.

Comm. McGorty responded that \$10,000 is probably more than adequate as long as they have something there.

Mr. Schultz responded that it can be reduced – that is consistent – so it will be a release and a reduction.

**End of Tape 2B 9:58 p.m.**

**On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to approve the request to release the Sediment & Erosion Control Bond and reduce the amount of the Site Completion Bond to \$10,000 for the Benchmark Assisted Living facility located at 708A Bridgeport Avenue.**

**PAYMENT OF BILLS**

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

**STAFF REPORT**

**\*See attached Planning & Zoning Staff Report dated June 10, 2014.**

**Zoning Board of Appeals:**

Mr. Schultz referenced the ZBA Agenda for Tuesday, June 17<sup>th</sup>. He stated that the first two applications are for Ben Perry. This time he is requesting individual lots – one for the barn and one for the house. The second application, #614-1 is to increase the maximum square footage from 750 to 900 for a detached garage.

The last application #614-8 is a use variance for Thomas Cribbins at 20 Todd Road, Professional Tire. As the Commission knows there is a Cease & Desist Order to stop the contractors business

and storage yard, and he is requesting a use variance to allow that use to be a permitted use. He stated that when Commission up zoned from Commercial to the Restricted Business Zone, the contractor storage yard was prohibited. He indicated that he is going to the ZBA to seek relief for that use variance.

Mr. Schultz stated that for all of these applications, there needs to be some sort of a position on at least the last one, #614-8.

Comm. Pogoda stated to the Chair that he would like the Commission to write a letter to the ZBA stating unequivocally against giving Professional Tire that approval. If the ZBA approves that request and does give that approval...it is totally inappropriate. They continued the work even with the Cease & Desist Order against them.

Mr. Schultz stated that when they filed to the ZBA, it does stay Cease & Desist, it is an option that they have, one of which is to go the ZBA either to reverse or modify the P&Z action that was given or to seek a use variance or to go to court. They have chosen the ZBA option.

Comm. Osak stated that if they get turned down by the ZBA, their subsequent action is to sue.

Mr. Schultz responded yes.

Mr. Panico asked what the hardship was.

Mr. Schultz responded that the Commission threw the up zoning of the area from Commercial CB-2 to Restricted Business District and it eliminated that former use that was allowed.

Comm. Pogoda commented that was way (inaudible)... It wasn't something that was done...

Mr. Schultz responded that they never did that particular (inaudible)...

Chair Parkins commented that it wasn't arbitrarily done to stop this...the change in zoning was in place for years before they went ahead and did this. At their April 8<sup>th</sup> meeting, the Commission gave them 30 days to vacate and it has now been over 60 days.

Comm. Dickal agreed.

Mr. Schultz indicated that they purposely chose to go this avenue so it stays the Cease & Desist Order. He asked what the consensus would be.

Chair Parkins stated that they strongly oppose this. Comm. Dickal responded yes, absolutely. Comm. Harger and Comm. Tickey agreed.

Comm. McGorty agreed and stated that it was a mess there and they should send some pictures too.

Mr. Schultz indicated that he would prepare the letter and include pictures. He asked if they had comments on any of the other ZBA applications.

Comm. Harger commented about driving up Perry Hill Road and noticed that Ben Perry has gone ahead and done lot of improvements on that property so she thinks (inaudible)...he's being presumptuous that he thinks he can get ...

Mr. Schultz indicated that as he reported, the neighborhood is supportive of it.

Chair Parkins commented that the front house that he is remodeling is beautiful and he's done a great job with that.

Comm. Harger asked if the neighbors then were not opposed to a lot being split off, being that close...

Mr. Schultz responded no.

Policy Change

Mr. Schultz advised the Commission that there is a P&Z Department policy change effective immediately. All multi-family facilities in Shelton, whether they are apartments like Avalon or condominium facilities, when a request comes in for a deck replacement, it will now have to go before the P&Z Commission. The Commission will review the architectural, potential impact and other issues that go along with it. Up until now, Staff has routinely just received authorization from the Associations and then allowed them to obtain their building permit.

Mr. Panico asked if they would be doing the job that the Association should be doing.

Chair Parkins indicated that what is happening is that condominiums that were designed without decks or with patios and might be multi-level are now allowing the owners of the units to put in decks and they are doing it in such a haphazard way. Some of them have vertical slats, some are the other way, some have sliders, others have French doors, or single doors, etc. and there is no oversight. She added that maybe this is something that needs to be put into condo documents when they start approving condominiums because the condos built in the 80's – this is happening.

Comm. Tickey stated that they would need to know what is preferred so that (inaudible)...

Chair Parkins commented that with these condo associations you can't count on people who understand or are informed about the whole architectural design of what the Commission approved so they go ahead and allow it.

Mr. Schultz indicated that the next Planning Meeting would be held on June 26<sup>th</sup>, Thursday at 5 p.m.

Chair Parkins wanted to clarify with Staff that the Lion's Club was informed that next year the Commission does not want them at that location for the flea market next year. Mr. Schultz indicated that they have been informed.

**ADJOURNMENT**

**On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to adjourn the meeting at 10:20 p.m.**

Respectfully Submitted,

Karin C. Tuke  
P&Z Recording Secretary