

SHELTON PLANNING AND ZONING COMMISSION

AUGUST 12, 2014

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, August 12, 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 Jim Tickey

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

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

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Chair Parkins called the regular meeting of the P&Z Commission to order with the Pledge of Allegiance and a roll call of members present. She indicated that alternate Comm. Osak would be sitting in for Comm. Pogoda. She stated that the first item on the agenda would be for Application #14-16 which requires a public hearing. She reviewed the procedures for a public hearing and requested that no cell phones be used during the meeting.

PUBLIC HEARING

APPLICATION #14-16: PETITION OF DOMINICK THOMAS ON BEHALF OF 140 BRIDGEPORT AVENUE, LLC FOR APPROVAL OF PDD ZONE CHANGE AND FINAL SITE DEVELOPMENT PLAN (MIX USE: RETAIL AND APARTMENTS), 140 BRIDGEPORT AVENUE (MAP 105, LOT 163), CB-2R-5 DISTRICTS)

Chair Parkins asked P&Z Secretary, Virginia Harger to read the Call of the Hearing for Application #14-16 and any applicable correspondence.

Comm. Harger read the Call and one piece of correspondence from the Fire Marshal.

***See attached correspondence dated 8/12/14 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal.**

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission on behalf of the Applicant. He submitted the required notices and photos of the postings for the record. He commented that no one had any objection to the proposal but he received about three phone calls. He conveyed that one person who called today asked what this was about because she didn't have time to get the certified letter. He reiterated that he has made this pitch before, and other towns have gone to it, to just have Certification of Mailing. It is a lot easier because as this person said, she gets home late and doesn't have time to go to the Post Office to get the letter. He indicated that a lot of towns are going to Certification of Mailing; it is more work for them because they have to prepare a list, go to the Post Office and have them stamp everything and it costs the client about \$1 more. He told her that he would relay these thoughts to the Commission. It was suggested to send it regular mail but...

Mr. Panico responded that a lot of towns do both – send it regular mail and certified mail.

Chair Parkins stated that his comments were duly noted.

Atty. Thomas indicated that as part of his presentation he would like to distribute a blown up photo of their future land use from their Plan of Conservation and Development.

He explained that the site in question has two accesses and is split by their future land use and does comply with the POCD in that the area is designated for moderate density Residential and Central Business District. When the public hearing was scheduled, he wasn't aware that Mr. Getz was going to be away on a pre-planned vacation in Iceland. In regard to the Fire Marshal's report, Rick sent it to him at 5 p.m. today and he had difficulty opening it up on his computer; therefore, he is just seeing it tonight. He was actually reading it along with Comm. Harger when she read it into the record for the first time.

Before addressing the Fire Marshal's Report, he commented that the Commission is aware of this property where on the bottom there is the very successful Chaves Bakery and a successful package store. The operation of both businesses has shown the existence of ample parking in the front. He indicated that they attempted to put a personal fitness center on the top floor that did not make it and that person left after a few months. Therefore, the proposal at this point, with access off of Long Hill Avenue, is to put three 2-bedroom apartments on the second floor. There is ample parking in the rear to meet the parking standards. The parking in the front, in the proposal that he made for the parking in the front for the PDD in the Statement of Uses and Standards, provides sufficient parking for the retail in the front. He commented that he isn't sure exactly how they are numbered, there is actually access from the front to the apartment on the right, as you are facing the stores. He noted that he was a little bit confused about the comment in the Fire Marshal's Report. In the rear of the property, there would be, and you can actually see the driveway in the photos he submitted (he posted the property on the front on Bridgeport Avenue and the rear of the property on Long Hill Avenue showing the driveway in the rear). The boundary is 31 feet so there is room to widen it. Whenever the Fire Marshall comments about fire lanes, and he didn't comment, he remembers that the reason for fire lanes is to permit access to a structure. This is obviously not a situation where the Fire Marshal is raising an issue about the width which usually relates to the issue of the big aerial unit but he hasn't raised that.

Atty. Thomas commented that as he read it, he looked at the plans and there are notes in there related to various fire codes and things that are being done in the building but he isn't equipped to respond to it. At this point, he requested that the public hearing be kept open so that Mr. Getz can respond to this because he just received it at 5 p.m.

Atty. Thomas commented that with respect to the use, he sent out quite a few notices and there's been no response and no one has any problem with it. He noted that this property abuts, and it is shown in both the Future Land Use Plan and they know it abuts a high density condominium project, Colonial Village, so it is certainly not out of place to have three apartments. Having retail on the first floor and residential, and this Commission has expressed doing this is the Downtown area, he often says that people refer to it as the "new urbanism" but it is actually not that "new" because it is the way it was while he was growing up with the stores on the first floor and the apartments on the second floor. It would certainly provide a type of housing at a reasonable cost in a very nice, well-maintained building.

Atty. Thomas stated that with respect to the use and the Future Land Use Plan and POCD, he thinks that the PDD certainly fits and the use certainly fits. He apologized for not being able to address the Fire Marshal's comments at this point. He doesn't even really know if the building is sprinklered or anything of that nature. He added that he didn't understand the access comments because he went over that with the Fire Marshal and there is access to the property and, of course, if you wanted to get rid of some grass and a few of the trees in the back...he believes that the tree he hung the sign on are on his client's property and it could certainly be trimmed back.

Atty. Thomas stated, that with all due respect to Mr. Tortora, he thinks that they have capable firemen who are capable of backing out a piece of equipment when necessary, but he reiterated that he really can't respond to it. With respect to the use and the building that exists, he thinks it is appropriate. He requested again that the public hearing be kept open so that the architect could respond to the Fire Marshal's comments.

Comm. Dickal agreed and added that she would like to get an opinion about the trees being on his client's property.

Chair Parkins asked if any of the Commissioners had any questions for Atty. Thomas. She indicated that they will continue the public hearing. She asked if there was anyone in the audience wishing to address the Applicant regarding this public hearing; she added that they would be continuing the public hearing. With no one in the audience, she requested a motion to continue the public hearing on September 9th.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to continue the public hearing for Application #14-16 on September 9, 2014.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #0041: MARGO ESPARO, 415 HOWE AVENUE, STE. 206, BUSINESS

Mr. Schultz indicated that they have two new applications for two new uses at the Conte Building on Howe Avenue and this one is for Suite 206 on the second floor for the display and sale of antiques. They are leasing 2500 square feet, have one employee and the hours will vary.

Comm. McGorty asked the name of the business.

Mr. Schultz responded that the business name is Nikki's Attic under Margo Esparo.

Comm. Harger asked if there was any idea when they would know what their hours were going to be.

Comm. McGorty stated that they are already happening.

Chair Parkins asked if he means that they are already in there.

Comm. McGorty responded yes, he believes so. He has seen signs for Nikki's Attic there.

Chair Parkins commented that he should let her know that the business has been approved and that the sign needs to be approved as well.

Comm. Harger stated that if she is in there, up and running, than she should be able to give them an idea of her hours.

Comm. McGorty stated that she doesn't have a sign outside, just inside, directional signs.

Chair Parkins asked if there are no concerns, she'd request a motion to approve the business.

Mr. Schultz responded that the hours are to be determined. He will find out and send it out to everyone.

On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to approve Separate #0041 for business occupancy.

SEPARATE #0042: CITY OF SHELTON, 11 BREWSTER LANE, SIGN

Mr. Schultz indicated that this was a sign for the Dog Park. He provided a sign rendering for the Commission and added that it was very nice.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to approve Separate #0042 for signage.

SEPARATE #0052: NICOLE MIKULA, 415 HOWE AVENUE, BUSINESS

Mr. Schultz responded that this is for 415 Howe Avenue, Suite 191 in the Conte Building. This is for office and retail for hula hoops, 281 square feet, one employee.

Comm. Tickey commented that the applicant was planning to come but was planning to come a little bit later.

Chair Parkins asked if it was for the sale of hula hoops.

Comm. Tickey responded yes, he believes so.

Mr. Schultz stated that it is pretty straightforward and Staff recommends approval.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was voted (5-0 with one abstention) to approve Separate #0052 for business occupancy. Comm. Tickey abstained for voting because the Applicant is his sister.

SEPARATE #0055: INSPIRE FITNESS, 784 RIVER ROAD, BUSINESS

Mr. Schultz indicated that this was at the Bishop Golf location, 8000 square feet for a fitness center, 2 employees, hours of operation 12 a.m. to 12 p.m. This is replacing Planet Fitness, it's the same use.

Comm. Harger clarified that this was at the Sports Center.

Mr. Schultz indicated that Inspire Fitness replaces Planet Fitness at that location with a change of ownership.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to approve Separate #0055 for business occupancy.

SEPARATE #0067: BRUCE BUTLER, 99 BRIDGEPORT AVE., BUSINESS & SIGN

Mr. Schultz indicated that this is replacing the Shelton Auto Parts with a new use for an Internet sales company. He provided a sign rendering for the business called Maximum Value On-Line.

Bruce Butler, 99 Bridgeport Avenue, Shelton addressed the Commission. Mr. Butler commented that they are an Internet sales company but they specialize in estate sales. His understanding is that they would go and clean out a home, an estate and store the contents where the Auto Parts Store used to store their equipment. They will use the retail store for antique sales as well as selling online.

Comm. Harger asked for clarification that he was conducting estate sales online.

Comm. McGorty added – online and in the store.

Mr. Butler responded yes, and in the store.

Mr. Schultz commented that they have to photograph everything.

Comm. McGorty commented OK, it is a retail store with an online component.

Mr. Schultz asked if it was an independent use or a chain.

Mr. Butler responded independent.

Comm. Harger asked if its name was “Maximum Value Online.”

Mr. Butler responded yes.

Mr. Schultz stated that Bruce will be measuring the signage – with channel letters.

Chair Parkins asked if they would be having any actual estate sales at that property – because that would generate a lot of traffic.

Mr. Butler responded no, the retail store is going to be – well, he doesn't know how to describe it because they'll never know what is going to be in there.

Chair Parkins added that it was sort of like a thrift shop.

Mr. Butler responded yes, that is probably a good description.

Comm. McGorty asked if they would be having auctions or anything like that there.

Chair Parkins agreed that was her concern.

Mr. Butler responded no, none of that goes on in there. The reason that he needs this space is for the storage component and he wants to have a retail presence because he might get anything from a bicycle to a lawn mower which they wouldn't want to ship on EBAY. Those types of items might be something that people would come into the store to pick up.

Comm. Dickal asked if that was similar to 1-800-MRDUMPER that goes around and picks up junk from estates and sells it on his property.

Mr. Butler responded no because this is consignment and his understanding is that if you have an estate that needs to be cleared out, people would come in and bid on it, paying pennies on the dollar. His business model is that you would consign it to him and get full retail minus any online fees. He needs the storage component in order to ship things out and he wants the retail side for items that aren't feasible to ship.

Comm. McGorty commented that there are a couple of them on Route 34, Derby/Seymour (inaudible). His concern is that if they do an estate sale, they would get inundated with a lot of stuff. He used to go by there quite a bit and these guys would have signs outside for auctions and there would be quite a few cars in the parking lot across the street. He commented that here, with Ari's Lunch and when they would do it and everything else there, the gas station, it would have to be a (inaudible)...

Chair Parkins stated that they would have to restrict it and say that there be no auctions or estate sales held on the premises and no outdoor storage at all.

Mr. Butler agreed, OK no exterior storage.

Comm. McGorty commented that generally it is low volume but when they do those sales (inaudible)...

Mr. Butler stated that in the conversations that he's had with this gentleman, who is a local person, it has never been mentioned. He just thinks it would be a good idea to have that retail presence for casual buyers who want to stroll through and see what is there.

Chair Parkins responded OK, but again, no outdoor display, putting lawn mowers, high chairs or things like that outside.

Mr. Butler commented OK and that is why they wanted the auto parts store with the storage because it has the overhead door right next to it so it can all go in there.

Comm. Harger indicated that there was a place in Devon that Mr. Junker took over. She recently drove by it and there are a sign indicating that the retail store is closed (inaudible)...that was the big thing when you drove by, you'd see all different things out there.

Mr. Butler stated that there is no room there to put anything outside because of the gas pumps in front of the store so it would be difficult.

Chair Parkins commented that people can be pretty creative though. She asked that he would police it.

Mr. Butler responded yes, and added that his impression of this man is that he is more high-end or upscale than what has been referred to here. His real business is selling on line and he has to make enough revenue (inaudible)...

Comm. McGorty commented that they all do that now – online while supplementing it with auctions simultaneously with the public coming in while having the online auction. He doesn't go there but knows someone and the online component is big. For the one on Rt. 34 they pack the parking lot...he has no issue with it but would like to see a constraint put in about no auctions there.

Mr. Butler responded that it is a valid point that he did not think of so he will add it to the lease regarding auctions or outdoor sales.

Chair Parkins clarified that they could conduct online auctions on the premises without inviting the people to walk in and participate in the auction. With those conditions, she requested a motion to approve.

Mr. Butler added that the signage would match Ari's.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve Separate #0067 for signage and business occupancy with the condition that there are no outdoor displays or public auctions on the premises.

SEPARATE #6911: R.D. SCINTO, 3 ENTERPRISE DRIVE, BUSINESS

Mr. Schultz indicated that this is Anthony White, a corporate office replacing SAFE Company, 3,947 square feet, 12 employees, 8:30 a.m. – 5:30 p.m. Monday through Friday. The name of the company is Enchoice on the 4th floor at 3 Enterprise Drive.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve Separate #6911 for business occupancy.

SEPARATE #6912: R.D. SCINTO, 2 TRAP FALLS ROAD, BUSINESS

Mr. Schultz indicated that this is for Primary Residential Mortgage, 969 square feet, 5 employees, hours of operation 8 a.m. to 6 p.m., Monday through Friday. They are replacing Fairfield County Bariatric.

Comm. McGorty asked if there was adequate parking at the location.

Mr. Schultz responded yes, structured parking there.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6912.

SEPARATE #0076: DOMINICK BOARNO, 781-785 RIVER ROAD, BUSINESS

Mr. Schultz indicated that this was the second occupant for the new single-story commercial building across from the ice skating rinks. They had the liquor store first and this business will be 1304 square feet out of the 5800 square feet. Three employees, hours of operation will be summer 12 p.m. – 10 p.m., autumn hours 12 p.m. – 9 p.m. for an ice cream parlor.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve Separate #0076 for business occupancy.

SEPARATE #0061: BRIDGE STREET PARTNERS, LLC, 64 BRIDGE STREET, SPECIAL EVENT

Mr. Schultz indicated that this would be tabled and taken up this Friday at the DSC Meeting for Bricks & Barley who want to have an outdoor event.

Comm. Harger indicated that she would be out of town for that meeting but would conference call into the meeting.

On a motion made by Jim Tickey seconded by Virginia Harger, it was unanimously voted to table Separate #0061.

SEPARATE #400: SBA NETWORK SERVICES, 162 BIRDSEYE ROAD, ALTERATION TO EXISTING CELL TOWER

Mr. Schultz stated that this is for the cell tower on the Hudak Farm and they have 12 antennas at the 98 foot level of the existing 120 foot tower and they are proposing to modify by removing six antennas and replacing them with three. As the Commission knows, in this industry, the models are always changing, technology is always changing.

Chair Parkins commented, yes they are getting wider.

Mr. Schultz stated that this was approved by the Citing Council and Staff recommends approval. He added that they are wider. They can't go higher and the frequency can't exceed federal.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve Separate #400.

APPLICATION #14-8: WATER'S EDGE OF SHELTON, LLC FOR PDD ZONE CHANGE, FINAL SITE DEVELOPMENT PLANS (14 UNIT CONDOMINIUM COMPLEX AND PUBLIC MARINA), 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 AND 42), IA-3/R-3 DISTRICTS (PUBLIC HEARING CLOSED ON 6/10/14).

Chair Parkins stated that at their last meeting they had a discussion in which they came to a consensus to direct Staff to prepare a favorable resolution. She added that she believes that Resolution was provided to the Commissioners and Mr. Panico will read through it after which they can discuss it.

Mr. Panico read the prepared report resolution for Application #14-8.

***See attached Planning & Zoning Report for Application #14-8, Petition of Water's Edge of Shelton LLC for Final Site Development Plans, CAM Site Plan and Revision to Future Land Use Category for the 2006 POCD, 500 River Road & 41 Fanny Street, dated August 12, 2014.**

Comm. McGorty motioned and Comm. Tickey seconded to accept the resolution for discussion.

Comm. Harger asked if they needed to document the marina office as having to be on site – she asked if it was supposed to be in that residential house in the back.

Comm. McGorty responded that he thought it was supposed to be a restroom or something.

Mr. Panico clarified that yes, it is supposed to be facilities (inaudible)...

Comm. Harger asked if the June 5th Revised Plans were the most recent ones.

Mr. Panico responded that they haven't moved them. They are in the back corner of the house. It is lavatories; it is the minimum that they have to do to satisfy the PDD.

Chair Parkins asked if there would be anything contained in the condo documents regarding the CAM requirements because they want to make sure that 10 years down the road...

Mr. Panico asked if she was referring to the public access aspect.

Chair Parkins responded yes.

Mr. Panico responded yes, that is why he would like them to furnish them with a draft of their proposed documents so that they can make sure that it is in there.

Chair Parkins stated yes, they just want the condo owners to be aware.

Mr. Panico agreed and stated yes, that is important. The entry drive is in a very tight situation as it goes down that long stretch, especially on the right-hand side, there really is no place to dump snow so they have to make sure that they have a snow removal program to take the snow away or get it all plowed to the other side or whatever they have to do, but somebody has to pay attention to it. He added that the storm drain facility needs maintenance; someone needs to make sure that they are maintained and cleaned as well as landscaping needing to be maintained. All those things you would expect to be addressed in the condominium documents.

Comm. Dickal asked if there was any way that snow removal would have it going back into the Housatonic.

Mr. Panico responded no because whatever melt off there is would get into the drainage system and go into the underground galleys. It won't go directly into the River except whatever may fall over ground naturally. Either way it has to flow through a substantial green area before it can get to the water.

Comm. Dickal commented OK.

Mr. Panico stated that he and Rick worked at length trying to resolve it and as much as they would like to not have those two parking spaces and the access internally, he just thinks that the DEEP might come down on them and say that they haven't addressed water dependency. He added that he didn't know what their recourse is but he thinks that the solution is a reasonable solution.

Chair Parkins commented that she thinks that the boat slips do and they are more regulated because they are registered to whoever the public members are that are using them. There will be some kind of identification, a license plate for whoever is using those slips from the public.

Mr. Panico stated that they were led to believe by the Applicant and his representatives that there are sophisticated ways of programming these entry controls so that one control responds to all of the residents and opens the gate but won't respond to anyone else. Another control would come into play by the boat owners; they have a separate code that will respond to them. Additionally, there is some other way of responding to two members of the general public who would be able to access the gate. A third member of the general public will not be able to access it unless one of the members that have access has left. They claim that this can all be programmed into these gate devices.

Chair Parkins stated that she would look forward to learning (inaudible)...

Comm. Osak asked how they were going to enforce that though.

Comm. Dickal commented yes, exactly...

Mr. Panico responded that the enforcement of it is their problem. If they end up with more public than they should have down there – they aren't going to want it.

Chair Parkins agreed and added that they were going to enforce it just by the nature of what is happening. They aren't going to want a lot of public people (inaudible)...

Comm. Osak commented that the reason that they are discussing it all is because of the comments that they heard from the residents of Fanny Street. They are the people that are aggrieved by too much public access. He asked if he was correct on that.

Mr. Panico responded and indicated that he would back up a step – he stated that this is a waterfront parcel and under the CAM Act, in order to qualify a waterfront parcel for

development, some component of that development has to be water dependent. They have found in the past that if you want to do residential on the water than at the very least you have to provide for passive access use and enjoyment by the general public to satisfy it. The way it is being addressed here was to provide that access for the public but it resulted in a potential burden on the Fanny Street neighborhood – or a perceived burden at any rate by the residents so they didn't want that in any uncertain terms. However, from their point of view and from his point of view advising the Commission, if you are going to make an honest finding of water dependency, he really thinks that there needs to be some token solution to “public access to the water,” as limited as it may be.

Chair Parkins added that this is the compromise.

Comm. Osak stated that the Fanny Street residents and the future occupancy of the development have the same thought – they don't want too much public access.

Chair Parkins responded yes, exactly.

Comm. Osak added that they should police it themselves.

Mr. Panico indicated that given their druthers, it wouldn't be there. The neighborhood doesn't want it, the development doesn't want it but it is something that they've got to do so he would assume that they will enforce it.

Chair Parkins stated that is why it is important to have it in the condo documents because, if at some point, somebody complains to the DEEP that they can't get access to River, they can't come back to the Commission and say...the Commission can say that the Condo Association strictly states in their laws that they have to allow access.

Comm. Osak commented that somewhere...this will come back to them. In some bowl of spaghetti, they are going to find a meatball.

Mr. Panico indicated yes, somewhere...it will probably come from the State but they'll see what they say.

Chair Parkins commented that not tonight, but she would be curious to find out exactly how something like that is controlled; how the gate will know how one person is in there or has left (inaudible). They will find that out and it is something that they have to find a way(inaudible)...

Mr. Panico asked if they adequately treated the protection of that house on Fanny Street. He doesn't ordinarily write a big paragraph about the resident's concerns but he felt it was justified in this case.

Chair Parkins commented that they were adamant that they did not want (inaudible)...

Mr. Panico stated that he wants them to be able to pick up this document, read it and say that the Commission has really looked out for them.

Comm. Osak responded that he thinks it serves that purpose.

Comm. Harger agreed that it was well-thought out. Chair Parkins added that she thinks it covered everything.

Comm. Tickey commented that he also thinks it is well thought out and addresses all of the issues that they were talking about and that they heard from the public. It is extensive and he initially had some concerns to begin with but it discusses not changing the character of the neighborhood, it talks about no general public access from Fanny Street and then only thing on Fanny Street is the entry to the house but also the emergency exit. It is even explained that the emergency access would be set back a bit and blend into the area of the neighborhood. He noted the comments made about the construction activities being limited to River Road and said the report represents what they heard from the residents.

Chair Parkins commented that the public access is limited to strictly passive so there is no way to carry canoes down there; it is just sitting on the benches and enjoying the River.

Comm. Harger stated that there is no other development in town that would have a situation like this where 12 of the units are accessed from River Road and two would be accessed from Fanny Street.

Mr. Panico responded no, only one accessed from Fanny Street, just the house. The back unit is accessed internally.

Comm. Harger commented yes, but referenced the rendering for the parking and pointed out where they are going to have outside parking.

Mr. Panico responded that they would have two parking spaces in the garage and they have more than two apron spaces.

Comm. Harger pointed out a parking area on the site rendering and asked about it.

Mr. Panico responded that is behind the gate so it is accessed from this side. He showed the driveway serving just the one unit.

Comm. Harger commented OK that is what she was saying, it is very unusual that there is not another unit.

Mr. Panico responded yes, right but they want the house preserved to blend in with the residential character of the neighborhood. The only thing short of that would have been closing that and having them re-design the house in such a way that you could access it from the other side. It seemed like in the interest of keeping it to look like any other house on the street, they would leave it the way that it is.

Chair Parkins agreed that it definitely maintains the existing character of the neighborhood.

Mr. Panico stated that he didn't know to what degree they could completely blend the emergency driveway and the resident's driveway but at least he thinks that they could get it down so it is just a minor widening of the existing curb cut.

Comm. Harger agreed.

Mr. Panico stated that there is an existing driveway there now. If you pull into the existing driveway, bear to the left it goes around to a garage in the back so they are really utilizing that but they are making it as wide as 18 feet to accommodate an emergency vehicle. He stated that originally the Fire Marshal wanted 26, 24, 22 feet. When he and Rick were on the site walking around and looking at the entrance on River Road they noticed that the entrance on River Road is only 18 feet between the two pillars and the Fire Marshal found that to be acceptable access to serve the automobile storage garages in an emergency; so if it is adequate for an emergency access there than this ought to be adequate too. The Fire Marshal agreed with them. They were only doing it in the interest of trying to play down the visual and physical intrusion onto Fanny Street.

Comm. Dickal stated that the only concern that she has with this whole thing still is with boat slips. She understands that they are there and she has no qualms about that but her concern is about the amount of opposition with the residents who were concerned about activities that would occur there more than they are now. She said that the only thing she would be more comfortable about is how they were going to police these people. She asked if the condo association was going to hire security people to limit it. She realizes that it is the public and they can't pick and choose who is going to go but ...

Chair Parkins responded that she thinks that the residents were more concerned about just adding additional traffic on to the River in general.

Comm. McGorty commented that a couple of them voiced their concerns about the slips but...

Comm. Dickal stated that they were also concerned about the boat activity, partying and speeding up and down.

Comm. McGorty commented that it was minimal though and if they look back 20 years, boating isn't what it used to be. People are running out to buy boats because of gasoline and the economy. It is not a marina; it is six small boat slips.

Chair Parkins agreed about the size of the slips – these are not (inaudible)...

Comm. Dickal responded yes, she understands that but a lot of people love to fish and a lot of people like to go out to those little islands.

Comm. McGorty commented that is OK. It is a non-issue because it is for six small boats and it is a big River.

Mr. Panico stated that the neighbors primarily did not want to see anything that was going to attract the general public to come down to that cul-de-sac and park illegally to take advantage of walking down to the River.

Comm. McGorty agreed and added that they were concerned about cars parking up and down the cul-de-sac at all hours of the night. He gets that.

Chair Parkins added that some of them were upset that they had to take their own docks out so they were like "if I can't have one, why should you have one..."

Mr. Panico stated that the only change that he could see happening would be that they would have another 13 families at this site and people are going to want to go and walk around in the neighborhood but other than that he doesn't see any other adverse impact on the neighborhood.

Comm. Osak commented that the most important thing to remember is that the future residents of this particular development and the people in the residential area adjacent to it will have the same purpose – it is a self-policing type of a thing which gives him some comfort.

Comm. McGorty agreed.

Comm. Osak stated that the Condominium Association doesn't want the same thing that the people of Fanny Street don't want.

Mr. Panico added that in terms of property values, these are going to be upscale units and much more expensive than the rest of the neighborhood.

Chair Parkins stated that they are going to be aware of it because they are going to read the condo documents before they buy.

Comm. Osak commented that most people don't read the condo documents.

Chair Parkins responded well, then "let the buyer beware." They can't say that they weren't informed about it.

Comm. McGorty commented that he is good with it and thinks Tony did a good job addressing all of the concerns.

Chair Parkins stated that if there is no further discussion, she'll take a roll call vote.

Mr. Panico asked if there were any voids – anything that should have been addressed that hasn't been.

Comm. McGorty responded no, he thinks he knocked them down. Chair Parkins agreed.

Mr. Panico stated that it ends up getting verbose and ends up saying things two or three times because of where it occurs in the report and the other document is the resolution so it had to be cited in both documents.

Chair Parkins took a roll call vote with “Ayes” from Comm. McGorty, Comm. Harger, Comm. Dickal, Comm. Tickey and Comm. Osak who wanted to add some comments.

Comm. Osak stated that he has been here for six months and when he first came he asked if he could participate in the discussions leading to a decision. He was told that there was a State Statute on the books that prevents the Alternate Commissioners from engaging in issues at Regular Meetings but they could discuss only in developing testimony at a public hearing.

Mr. Panico clarified that he couldn't participate in the business of the Commission unless they were seated as a member – that is what it boiled down too.

Chair Parkins added that if he was sitting in for (inaudible)...

Mr. Panico stated that if he is seated as a member than he can participate in the deliberations of the Commission.

Comm. Osak indicated that today he is seated as a member but this deliberation has been going on since some time before the first of the year. They have been at this for about 8 months now.

Mr. Panico responded no...

Comm. Osak commented that he has been a part of the deliberative body many times in his life experience and he certainly knows that the way that you arrive at decision is to develop a point of view, engage your fellow deliberative members of the body in the discussion, they try to influence you into their point of view and you influence them into your point of view and through all of that democratic process, they essentially come to a consensus. He appreciates that and that is the way that it has to be. But here they are and he is called to vote on a behalf of Mr. Pogoda but he has never had any opportunity to engage in any of this deliberation with his fellow Commissioners because he is a fellow Commissioner only tonight and not for the last six months.

Chair Parkins responded that unfortunately that is the nature of the (inaudible)...she added that she realizes he is expressing his frustrations.

Comm. Osak commented that he will vote yes because he thinks that Mr. Pogoda would vote yes.

Chair Parkins responded no, no – you vote for you (inaudible) or you can abstain.

Comm. Osak indicated that this is a team effort and for him to say that he would vote no on this without having the privilege of having a face-to-face with the other Commissioners and give them his point of view from Day #1 is kind of a lame duck excuse to make a vote, that is all that he was saying. Comm. Osak stated that he would vote yes for the resolution but he would really like someone from Staff to dig up the State Statutes and clarify for him what the issues really are. He would like to have the Commission contact their local representatives to the House of Representatives to see if that Statute could be amended or changed. He added that is just his feeling – the sum total of his six months on this Commission.

Comm. Dickal stated that she agreed with him. She was an alternate for a period of time and she attended and had to make decisions too.

Chair Parkins commented that it is very frustrating and she understands the frustration because she thinks that they have all sat as alternates on this Commission except for Comm. Tickey. The problem is that there are a limited amount of Commissioners and once you open it up to Alternates, you are no longer following that limited amount of Commissioners. You would then have a Commission of eight instead of a Commission of six and that is the dilemma. She isn't sure how they would work around that. She reiterated that she understands his frustration.

Comm. Osak asked why they even have alternates.

Comm. McGorty suggested that he not run as an Alternate.

Comm. Osak stated that they have a quorum of four and do business as a quorum of four; if they have six people, they do business as six; if there are less than four, you have no meeting.

Chair Parkins commented that they applaud him for coming to all of their meetings because most Alternates don't. Most Alternates only come if requested to come to sit in for someone and in this case they might abstain from the vote if didn't participate in the public hearings.

Comm. Osak stated that it is the responsibility of the Alternates to make themselves available.

Chair Parkins agreed with him and added that it was a subject for another time. She reiterated that he said he would be voting Aye. She added that she also votes Aye so it passes unanimously.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve Application #14-8.

Sal Matto, the Applicant for Application #14-8 thanked the Commission for all of their time and effort that they put into this and into everything that they have to do here.

APPLICATION #14-10: R.D. SCINTO FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (OFFICE BLDG), 20 COMMERCE DRIVE, MAP 38, LOT 1 LIP DISTRICT (PUBLIC HEARING CLOSE ON 7/8/14).

Mr. Schultz stated that the Commission was advised at the public hearing that all local permits have been obtained by the Applicant including Inland/Wetlands. This is a 4.95 acre site located in an LIP zone; it only required a public hearing because of the size of the building and the traffic that it would generate. It is a 3-story, 58,550 square foot office building, very attractive and it will compliment the Park up there. The parking ratio is one space per 1.5 employees and they are showing 240 spaces. Unless the Commission has any questions, Staff has ...

Mr. Panico asked what the total square footage of the building was.

Mr. Schultz responded 58, 550. Mr. Panico asked how many total spaces they had now. Mr. Schultz responded 240.

Mr. Panico commented that it was a little over 4 per thousand.

Comm. Dickal stated that she thinks that whatever Scinto gets his hands in, he does a beautiful and wonderful job. It is really a contribution to their town.

Mr. Panico commented that building is going to be a marquis building.

Chair Parkins agreed but added that sometimes you get a tenant in that is just cubicle after cubicle and he does not have structured parking there and all of a sudden they find themselves with a high employee building and (inaudible)...

Comm. Dickal stated that she understands what she's saying but Mr. Scinto is the one who owns the building so he's the one that really has to police it.

Mr. Panico stated that the advantage of working with Mr. Scinto in a particular case like this, he probably wouldn't turn away that tenant but if he needed another 50 parking spaces, he would make arrangements on one of his other parcels. He added that he'd either provide a walkway through the back to the other piece or chauffer them from the garages.

Chair Parkins agreed that he caters to his tenants.

Mr. Panico commented that he has enough parking that he can borrow from Peter to pay Paul and have (inaudible)...

Comm. Dickal commented that is why he is so good.

Mr. Schultz stated that as this Commission is aware, each occupant comes before them so they will continue to have the checks and balances on sufficient on-site parking. They haven't had any problems since Pitney Bowes and Research Drive which has been over 10 years.

Chair Parkins asked if that would happen in here though, if it is not a PDD. She added that they don't have to come back for every business that goes in there.

Mr. Schultz responded for occupancy, yes they do. It is something that the Commission has always asked for and that is the checks and balances.

Chair Parkins commented OK, she thought that was just for PDD's.

Mr. Panico responded no it is for all buildings.

Chair Parkins commented OK and asked Rick Schultz if he had prepared a resolution for this.

Mr. Schultz read the draft motion for approval of Application #14-10.

***See attached documentation for approval of Application #14-10 for Special Exception/Site Plan Approval (office building) at 20 Commerce Drive, dated 8/12/14.**

Chair Parkins requested a motion and a second before taking a roll call vote.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve (6-0) Application #14-10.

Mr. Panico added that the hard work on that site was done years ago; otherwise, they would have had to spend a lot more time reviewing it.

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) (PUBLIC HEARING CLOSED ON 7/8/14).

Mr. Schultz stated that the Applicant is requesting four new uses for the subject property in back of the old Stellar's Gas Station, the Shell Station. The new uses, in addition to the current uses are:

1. Dance/gymnastics studio/school
2. Pet grooming (does not include boarding of animals);
3. Restoration and indoor storage of vintage/antique automobiles not open to the general public and without retail storage space. He added that this use probably has the most concern by some of the Commissioners; it still requires DMV licensing
4. Painting, woodworking, sheet metal, blacksmith, welding, tire recapping and machine shops, occupying not more than 5000 square feet. He added that has always been a use that was permitted in the previous commercial zone.

Mr. Schultz reviewed that they have the gymnastics studio/school which is what really precipitated this modification. The Applicant also requested to include pet grooming but not boarding and the restoration of the vintage/antique automobiles and lastly, the painting and woodworking. He commented that there still needs to be some tweaking of the wording and Staff always does that with the Applicant but he needs to know the Commission's feeling about the restoration work of the vintage/antique automobiles.

Mr. Panico commented that he thinks, as with anything else, the monitoring of the occupants, both by the owner and this Commission is very important because within the same "use" (words describing the use), there can be a good tenant and a bad tenant in terms of impacts. They have to know how to sort those out. He referenced the dance studio. The dance studio described to

them is for children that are dropped off and picked up which is fine but asked about other “dance studios” for adults where there are a lot of cars driving in there. The Applicant has to understand that.

Chair Parkins added the example of something like Zumba classes where there are 12 adults.

Mr. Panico stated that they aren't talking about the whole gamut of dance studios, they are talking about particular types of dance studios so they have to tweak that wording somewhat.

Mr. Schultz agreed that they do have to. He commented that he wanted to draw a comparison. The Car Wash Facility in which the Commission specifically stated “no accessory uses including the changing of oil, etc.” The Commission allowed detailing but no changing of oil. They petitioned the Commission three additional times and were turned down and went to the Courts three times and the courts upheld the Commission. He reiterated that the Car Wash was specifically for car washing and detailing.

Comm. Osak asked which car wash he was talking about.

Mr. Schultz responded the car wash on Platt Road. He stated that the Commission had stated that there is absolutely no changing of oil, no lube jobs. Normally that is a use associated with car washes such as the one on River Road but the Commission felt it was inappropriate there.

Comm. Osak asked if it was a PDD.

Mr. Schultz responded yes. He added that is why the wording of this is very important because a judge will go back and ask what the intent was.

Comm. Osak commented that he wanted to give his opinion about this. He asked them to remember that he comes from another school, he was around here in 1962 and somehow, you have a formed mental mechanism in dealing with some of this stuff so when he came back, he has a problem dealing with a few of these things. For instance, PDD's – he asked if they were up to Number 78 or something. It is a Planned Development District. In his mind, before you have a PDD you are supposed to first designate a special development area.

Mr. Panico responded yes, that was the original concept. He is right.

Comm. Osak continued that the reason that they did that back then was because there was this legal term called “contract zoning” that was essentially “a battle in the Courts you lose all the time and if you make a special zone change for somebody with special conditions just for that person it is contract zoning. So when they didn't want bad commercial development on Route 8, Brian and (inaudible) came up with this idea of a special development area and lay on top of that a PDD and that brought in a planning component and took away the bad things about contract zoning.

Mr. Panico responded that early on, like 40 or 50 years ago, PDD's were viewed in many places as floating zones. A PDD could float around a community and drop anywhere and their way of controlling that was to say that it could only happen in a Special Development Area.

Chair Parkins commented that while she understands his comment, this applicant is not to create a new PDD so let's try to get this gentleman situated and then they'll take up that discussion.

Comm. Osak responded that it just triggered him a little bit and he had asked Rick to get him a map of all the PDD's in town – and “Wow.”

Mr. Panico indicated that the Commission became enthralled with the idea that they could have virtually finite control over everything from the colors to the materials used to the design and they liked that.

Mr. Schultz added yes, the architectural review.

Mr. Panico added that it is not what you want to build but how you want to build it.

Chair Parkins stated that a lot of towns have their own architectural review committees but they don't – this Commission is it. She commented that they are running a little bit long with this application.

Comm. Harger commented that she didn't see any problem with the restoration of automobiles.

Chair Parkins agreed and said she didn't have any problem with that either. She thinks Comm. Pogoda did.

Mr. Panico commented that the concern that Rick is raising, and he doesn't have a problem with it, is that it does require a license from the State of Connecticut, a DMV license. They can control that because just because you get a license from the State of Connecticut that allows you to do like six things, if their Zoning says that you can only do three of those six things, it doesn't matter if you have a license because you cannot do those other three things.

Chair Parkins added that she thinks the Applicant is aware of their concerns.

Mr. Panico indicated that maybe he and Rick could come up with some words to put into the final adoption document that they understand a Motor Vehicle License is required but such license will be restricted solely to the purposes spelled out in these regulations – or something to that effect.

Comm. Tickey commented that he was comfortable with that if they can find the words. He thinks that something like a restoration would be fine, if it is worded correctly.

Mr. Panico indicated that they typically have this problem with used cars. Used Car Lots have to have a repair permit and now they want to start doing all kinds of others things too. He added that they didn't give them permission for general repairs, the Commission gave permission to sell vehicles and that's it. The Applicant really has to understand.

Chair Parkins clarified to the Applicant that the Commissioners can't talk to him anymore because the public hearing was closed and until they make a vote, but he can certainly talk to Staff but they can't have a dialogue with him.

Mr. Butler, the Applicant, commented that he only wanted to explain that the Motor Vehicle licensing has three tiers.

Chair Parkins responded that he can discuss that with Staff as he makes the resolution. She commented that she had no issue with that.

Mr. Schultz stated that he prepared a draft resolution if they want to adopt it tonight and have Staff finalize it. He can email the Commissioners a final copy of it.

Chair Parkins stated that she was more concerned about the woodworking aspect of it and its proximity to the dance studio. It doesn't seem like those two would be a good fit. She added that she didn't know what kind of sound-proofing they have but if there is woodworking equipment such as drills and saws and dancing taking place next door, she doesn't know what kind of sound buffering they'd have.

Comm. McGorty stated that the hours would probably be different.

Chair Parkins responded that they don't really know that. She added that would be her only concern in mixing the uses like that. She commented that she thinks that there would have to be some sort of consideration on the Applicant's part about not aligning them like that.

Comm. McGorty agreed and stated that the Applicant has a vested interest because one of them would end up leaving.

Chair Parkins agreed but it would be a concern of hers to have those two uses next to each other.

Comm. McGorty commented yes, it has to be thought out if he wants somebody for the long term.

Chair Parkins stated that otherwise she has no issue with those uses.

Mr. Panico commented that they need to put a paragraph to it that says that the uses are acceptable provided that the traffic generation is kept to a minimum because this area is not conducive to high volumes of customer oriented traffic.

Comm. Dickal stated that she was going to speak up about that issue as well.

Mr. Panico indicated that it has to be reflected in all of these uses. They don't want uses there that will have a lot of activity from the general public coming and going.

Comm. McGorty stated that when dance studios, when they have their recitals, there are a lot of people there.

Chair Parkins commented that they usually go to an auditorium of some sort at the school or something.

Comm. McGorty responded that they don't always though. He added that his daughter goes to a dance school off of Bridgeport Avenue and there are a lot of cars, dropping off and a lot staying. The hours don't usually conflict with other businesses but there are Saturdays.

Chair Parkins indicated that the dance studio would have to decide if the restrictions are too restrictive for them.

Comm. Harger commented that her nieces went to that dance studio and she doesn't remember going in and seeing a lot of parents sitting in there.

Comm. McGorty responded that some of them drop the kids off but a lot of them don't want to leave and come back an hour later so they just stay.

Chair Parkins commented that there is no place to park on the street that's for sure.

Mr. Schultz indicated that he would read the draft report resolution.

***See attached report/resolution for P&Z Application #14-15 Modification of Statement of Uses and Standards for PDD #43 (new uses under Section 3), Butler building, 97 Bridgeport Avenue dated August 12, 2014.**

Chair Parkins commented that the report doesn't discuss traffic generation, just parking issues.

Mr. Schultz responded "existing on-site parking and traffic."

Chair Parkins asked the Commissioners if they would be more comfortable waiting for a final (inaudible)...

Mr. Panico asked Rick to reread the part about the dancing and gymnastics studio.

Mr. Schultz read "a dance/gymnastics studio/school." He added that is where they really have to button down the wording because this is very general terminology.

Mr. Panico responded that at the very least he would add to that, "subject to the approval of the Planning & Zoning Commission." He added that he ought to have another crack at it. When that particular use comes in, they want to be able to say "yes," "no," or "maybe."

Mr. Schultz addressed Mr. Butler about the occupant that he has who wants to go in August or September.

Mr. Butler responded that they were hoping to be in by now but they are just kind of waiting in limbo.

Mr. Panico asked if they would fall into that category.

Mr. Butler responded yes, it is children's theater/dance and they need the large space because they would be jumping and dancing. It would be open after 5 p.m., only at night because the kids are at school or whatever. He added that they don't typically have summer classes except 3 or 4 a week, no weekends.

Mr. Panico asked what the size of the space was that they want to rent.

Mr. Butler responded 2000 square feet.

Mr. Schultz commented that they could table this until September 9th if they want to.

Chair Parkins responded that ...unless they make the stipulation that Tony suggested that they come back because (inaudible)...

Mr. Panico stated that is the one out of all of them that bothers him because you don't know what it could be. He commented that what has been described to them sounds like a doable thing but he can also describe occupancy of that space which would not be acceptable.

Mr. Butler commented to Rick Schultz that he would be open to working with him to address the tightening up of the language.

Mr. Schultz responded yes and they normally would do that. They normally do that for all of them.

Chair Parkins commented that they want the language to basically say that if it is going to be that use than it has to come back to the Commission for specific approvals for the Certificate of Occupancy.

Mr. Schultz responded OK and they'll put P&Z in there too.

Mr. Panico stated that particular use line has to be approved by the P&Z. He added that it would almost like it was in a regular zone with a special permit.

Chair Parkins indicated that any new business for that use line (inaudible)...

Mr. Schultz asked if they wanted them to tighten this up with the Applicant and come back on Sept. 9th.

Chair Parkins responded that she doesn't really mind and she thinks that they are all in agreement that the use is OK but they just want to have restrictions on it so they can vote on it and work on the language. She asked the Commissioners if they would rather wait until the language is cleaned up and they know exactly what they'll be voting on or are they OK voting on those four uses as Staff tightens up the language.

Mr. Schultz stated that it is a work in progress.

Mr. Schultz added that the effective date isn't until August 29th.

Comm. Tickey indicated that he was fine with voting on it and getting a copy once Staff tightens it up.

Comm. Dickal agreed.

Mr. Schultz indicated that he could make the effective date after the next meeting of Sept. 9th.

Mr. Panico commented that he didn't think that would be necessary.

Chair Parkins agreed and added that hopefully at the next meeting the business itself will be here.

Mr. Schultz responded OK, its overkill. He indicated that they would need a motion, a second and a roll call vote.

With no further discussion, Chair Parkins took a roll call vote.

On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously roll call voted (6-0) to approve Application #14-15.

NEW BUSINESS

APPLICATION #14-17: DAVID AND SHERRY TURECHEK FOR RE-SUBDIVISION OF LOT 4, TWIN BROOK ESTATES, (SEC. 4, AND PARCEL B: 2 LOTS), 35 TWIN BROOK DRIVE (MAP 44, LOT 38), R-1 DISTRICT: ACCEPT AND SCHEDULE A PUBLIC HEARING

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept Application #14-17 and schedule a public hearing for September 9, 2014.

PUBLIC PORTION

Chair Parkins asked if there was anyone in the audience wishing to address the Commission on any issue not on the agenda. There was no one from the public and no comments. She requested a motion to close the public portion.

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

AGENDA ADD-ONS

Chair Parkins indicated that they have two agenda add-ons under New Business for Countryside Veterinary Hospital for request to release site bond and Twin Lots Estates request for release of Performance Bond. She asked for a motion to add these items to the agenda.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to add two items to the Agenda under New Business.

OTHER BUSINESS

APPROVAL OF THE MINUTES: 6/26/14 AND 7/8/14

Chair Parkins asked for a motion to approve the minutes from 6/26, the discussion of the Mas Property and the July 7th meeting. She indicated that she would abstain from voting on the approval of the 6/26/14 minutes because she was not present at that meeting.

Comm. Dickal added that she wasn't either.

Chair Parkins added that Comm. Osak did not attend either so only Comm. Harger and Comm. Tickey would vote on the 6/26/14 minutes and the rest of them could vote on the July 8th minutes.

On a motion made by Virginia Harger seconded by Jim Tickey, it was voted to approve the minutes of 6/26/14 with 4 abstentions (Commissioners Parkins, Osak, Dickal and McGorty did not attend) and it was unanimously voted to approve the minutes of 7/8/14.

PAYMENT OF BILLS

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

PEOPLE'S BANK, 500 SHELTON AVENUE: REQUEST TO RELEASE SITE BOND AND SEDIMENT AND EROSION CONTROL BOND

Mr. Schultz indicated that they have a \$30,000 Site Completion Bond and \$5,000 Sediment and Erosion Control Bond. The Commission is aware of the finished product

Comm. Harger asked if they went through their first winter yet.

Mr. Schultz responded yes, they have. He does wait because the Commission always wants to wait. He added that Staff was recently up there and it is holding up because they water everything nicely. Staff recommends approval on both bonds.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the request to release the Site Bond and the Sediment and Erosion Control Bond for People's Bank, 500 Shelton Avenue.

COUNTRYSIDE VETERINARY HOSPITAL, 374 LEAVENWORTH ROAD: REQUEST FOR RELEASE OF SITE BOND

Mr. Schultz stated that if the Commissioners haven't been up there, he took some photos. They have a \$20,000 Site Completion Bond. He added that they did a very nice job on the dumpster enclosure and landscaping shown in the photos. Additionally, they moved the sign out of the State right-of-way. Staff recommends approval.

On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to approve the request to release the Site Bond for Countryside Veterinary Hospital at 374 Leavenworth Road.

TWIN LOTS ESTATES, 155-161 BUDDINGTON ROAD, REQUEST FOR RELEASE OF PERFORMANCE BOND

Mr. Schultz indicated that this was James Blakeman's subdivision on Buddington Road and they have a \$7,000 Performance Bond to install the culvert that went across the common driveway. He added that it was installed and Staff recommends approval.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the request for release of Performance Bond at Twin Lots Estates, 155-161 Buddington Road.

ZONING ENFORCEMENT PROGRAM

4 AGAWAM TRAIL (ASSESSOR'S MAP 12C, LOTS 4 & 98): INITIATE LEGAL ACTION (JUNKYARD CONDITIONS)

Mr. Schultz stated that this is 4 Agawam Trail, they just assigned a street number to it for the 911 Program, and it includes an adjacent lot that has an illegal apartment on it, but essentially the request for legal action is for junkyard conditions. They issued a Cease & Desist Order and gave them sufficient time to do it.

Comm. Harger asked if this was in Pinerock Village.

Mr. Schultz responded no, it is further down but in the Park. It is two parcels Lot #4 and Lot #98 and that's from the Tax Map but one of the lots has a house on it and it never had a street number so they took this time to address for 911 purposes.

Chair Parkins asked if the lots belong to the same person.

Mr. Schultz responded yes, 4 Agawam Trail (Map 12C, Lot 4) and Parcel #98.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to authorize Staff to initiate legal action for junkyard conditions at properties located at 4 Agawam Trail (Map 12C, Lot 4 and Parcel #98).

STAFF REPORT

***See attached Planning & Zoning Staff Report dated August 12, 2014.**

Mr. Schultz reviewed the P&Z Staff Report including ZBA, Citing Council, Zoning Subcommittee, DSC and Zoning Enforcement issues.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 9:07 p.m.

Respectfully Submitted,

Karin C. Tuke
P&Z Recording Secretary