

**SHELTON PLANNING & ZONING COMMISSION**

**SEPTEMBER 24, 2014**

The Shelton Planning and Zoning Commission held a Special Meeting on Wednesday, September 8, 2014, Shelton City Hall, 6:00 p.m., Room 303, 54 Hill Street, Shelton, CT 06484.

Commissioners Present:                      Chairperson Ruth Parkins  
    Commissioner Nancy Dickal  
    Comm. Virginia Harger  
    Commissioner Frank Osak (alternate for A. Pogoda)  
    Commissioner Jim Tickey

Staff Present:                                      Richard Schultz, P&Z Administrator  
    Karin Tuke, Recording Secretary

Tapes (1), correspondence and attachments on file in the City/Town Clerk's Office and the Planning and Zoning Office and on the City of Shelton Website [www.cityofshelton.org](http://www.cityofshelton.org).

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

Chair Parkins called the special meeting of the P&Z Commission to order at 6:00 p.m. with the Pledge of Allegiance and a roll call of members present.

**PLANNING WORKSHOP**

**Zoning Regulations Amendment: The Keeping and Raising of Chickens**

Chair Parkins stated that the first order of business is a discussion on the Zoning Regulation Amendment for the Keeping and Raising of Chickens. She commented that she understands that the Zoning Subcommittee has met several times on this issue and she asked Rick Schultz if this matter had to go to a public hearing.

Mr. Schultz responded that Staff has prepared a report that discusses that but essentially the purpose of the discussion for tonight is to come to a consensus as to whether or not to go to a hearing and consider it before the public or leave the regulation the way that it is. He commented that presently the regulation is at 5 acres for livestock and poultry. At the last meeting they discussed this at 9 p.m. during his Staff Report and everyone was going in a different direction on it. He commented that it is better to have this type of meeting to get a consensus.

Mr. Schultz indicated that he has provided a consensus sheet with the Chairman. He stated that Comm. Pogoda is not present tonight but he is supportive of the two acre amendment and Comm. McGorty, also not present, is supportive of a one acre version but would like to proceed with a public hearing – so Comm. McGorty's position is to proceed with the hearing. At the hearing he will recommend that the 5 acres be reduced to 40,000 square feet for the keeping of 10 chickens.

Comm. Osak asked why this is before the Commission right now and if there had been any complaints.

Mr. Schultz responded yes and he was going to go into that. He referenced a document provided entitled "Background on the Keeping and Raising of Chickens" that provides a historical overview.

**\*See attached three page Planning & Zoning Report dated September 2014 entitled "Background on the Keeping and Raising of Chickens."**

Mr. Schultz read that in 1952 the BOA were the zoners and that is the first official regulation that Staff could find whereby you could have up to 20 chickens on any parcel in the City of Shelton and on parcels over 2 acres you could have livestock. He explained that subsequent to the 1952 Regulation, in 2004 after many complaints, the P&Z Commission had a public hearing to consider an amendment by bumping it up to 200,000 square feet or 5 builder's acres and that was

subsequently adopted. Therefore, it wiped out the keeping of up to 20 chickens on any parcel in the City of Shelton.

Mr. Schultz reiterated that you now need 5 builders' acres or 200,000 square feet. Essentially the Commission's finding is that in 1952 the community, by and large was rural, agricultural-based. In 2004 between the free-roaming chickens and the roosters crowing, the Commission felt that it was time to address it and bump it up to 5 acres.

Mr. Schultz continued that in 2014, this year, a zoning complaint was received on the illegal keeping and raising of chickens at 100 Walnut Avenue (located at the very end), a parcel containing 2 acres. The owner of the parcel eventually went to the ZBA to get relief and the ZBA told them to withdraw and bring it back to the full Commission which they did. The P&Z Commission indicated that they would revisit it and brought it to the attention of the Zoning Subcommittee which Comm. Pogoda chairs.

Mr. Shultz stated that the Zoning Subcommittee had several meetings and Corporation Counsel was involved but the Subcommittee felt that bringing it down to 2 acres, allowing not more than 10 chickens and no roosters be considered so that is before the Full Commission. He reiterated that it was for 2 builders' acres or 80,000 square feet, up to 10 chickens and no roosters. He added that there would be no selling of chickens, no selling of eggs and he referenced the attached regulation proposed. He added that the chicken coops have to be at least 50 feet away from any side or rear property line. Coops must be properly maintained and they will be assisted by the Valley Health District but all chickens and their eggs will be only used by the owners/occupants of the property. There will be no selling or dispensing of eggs to the general public; it is prohibited.

Mr. Schultz concluded that it was pretty straightforward and they were at 5 builder's acres right now. Some residents think that is excessive. He has reported to several Commissioners that they've had probably six requests. Obviously, because of the Public Portion, the Commission has not been getting letters but the ZBA application brought this to the forefront. The ZBA asked that this be reviewed by the Commission and the Zoning Subcommittee has done that. The proposal before them tonight is to allow 10 chickens, no roosters, on 80,000 square feet.

Chair Parkins asked how many chickens they were keeping at 100 Walnut Avenue that elicited a complaint.

Mr. Schultz responded that it was 10 chickens and a rooster. The rooster took the neighbors attention.

Chair Parkins asked if he was sure that it was only 10 chickens.

Mr. Schultz responded that was his last recollection because they asked them to remove it. It may have been more but he thinks it was reduced. It is still pending even though they withdrew the application, the Cease and Desist Order ... but the rooster got the neighbor's attention. He indicated that Staff went there to take a count.

Chair Parkins commented that it was really the rooster that probably expedited the complaint; otherwise, they probably wouldn't have known.

Mr. Schultz responded yes, absolutely. They don't have too much with free-roaming chickens like they used to 50 years ago because people just don't do it anymore. Between the coyotes, and the foxes they would be wiped out in a day.

Comm. Harger added yes, and hawks.

Mr. Schultz responded yes, hawks and dogs. He stated that now Staff just needs to know what the Commission's consensus is to proceed with the public hearing or keep it status quo.

Comm. Harger commented that she asked Rick earlier this month if he could provide some documentation as to how many inquiries they have gotten and he said he had gotten phone calls. He also provided an email that someone had sent earlier this month about the number of chickens

that were allowed. She commented that he also provided the Cease and Desist letter that went out to the property owner.

Comm. Harger indicated that she got in touch with the Assessor's Office and the Assistant Assessor sent her an Excel spreadsheet that gave the number of lots in town, listed by lot size, from 1.8 acres and up. Her calculation from the Internet was that 80,000 square feet, which is the least amount that would be allowed under the new regulations, is 1.84 acres. She continued that right now you need to have 200,000 square feet which is 4.59 acres so presently there are 190 lots in town that could have chickens under the existing regulation.

Comm. Osak asked if the old regulation was 200,000 square feet.

Comm. Harger responded yes and 200,000 square feet equates to 4.59 acres so anyone with 4 ½ or more acres – there are 190 lots in Shelton. She indicated that she went through pages and pages of spreadsheets that she sorted the lots by lot size and alphabetically by the name of the street and it wiped out all of Bridgeport Avenue, Constitution Boulevard – types places like that whittled down the list quite a bit.

She commented that if you add in the new information of 80,000 square feet or 1.4 acres to 1.99 it would be another 139 lots. In going from 2 to 4.4 acres which is below the regulation right now, it is another 472 lots.

Comm. Osak commented that you've got almost 600 lots that would qualify for chickens if you adopted this regulation.

Comm. Harger responded that it brings it up to 701 lots. She commented that Rick had put in here that way back they were an agricultural-based community but now they are much more a suburb. She indicated that she would be very concerned about someone who has a lot that is 2 or 2 ½, 4 acres, or whatever, that all of sudden has abutting neighbors allowed to have chickens.

Comm. Osak stated that if they adopt this regulation, there would be 500 to 600 lots that would qualify for this as a permitted use.

Comm. Harger responded yes.

Comm. Osak asked Rick if someone wanted to put, with the current regulation – 200,000 square feet, if they wanted to put 10 chickens on their lot, they would have to come in to get a Certificate of Zoning Compliance or do they just do it.

Mr. Schultz responded no, they keep a record because they also maintain a record of all of the pre-existing, non-conforming ones.

Comm. Osak stated that in other words, you amended the regulations in 2004 so someone who had chickens before increasing the larger lot size are pre-existing, non-conforming and you keep a list of those lots.

Mr. Schultz responded yes and added that if you abandoned it then it gets wiped out.

Comm. Osak commented yes, but they don't know if it was abandoned.

Mr. Schultz responded that they try to do their best with that because they had a lot of chickens and there are people who grew up with live chickens.

Comm. Harger commented that any chickens from way back when aren't around anymore – that is for sure.

Comm. Dickal commented about the six inquiries that Rick had concerning the chickens and asked what time frame they were in.

Mr. Schultz responded that they were in the last year or so. There is a renewed interest in...

Chair Parkins stated “farm to table.”

Mr. Schultz responded yes, farm to table.

Chair Parkins added that people want to grow their own food and not have contaminated food...

Mr. Schultz added that it was also a hobby and for children to experience what families experienced years ago.

Comm. Tickey asked about the proposed with up to 10 chickens on 2 acres and asked if people could have an unlimited amount if they had more than 2 acres.

Mr. Schultz responded no, between 2 acres and 200,000 square feet that can have 10 chickens. He added that over 200,000 it is unlimited.

Comm. Harger added it was over 4 ½ acres.

Mr. Schultz clarified that over 200,000 in the City of Shelton is considered a farm and you can have unlimited livestock and poultry.

Chair Parkins asked Comm. Harger what would happen if you had one of those 701 lots located next to a farm.

Comm. Harger responded that you would be going in there and know it is already existing. If you are going to put a house there or already live there, you would know the situation. She stated that she thinks that the people who could really be injured by this are living in sections of town where you have anywhere from 2 acres and up; suddenly someone living on either side qualifies. Even if you have an acre yourself but the people on the side, behind you or across the street have bigger lots – they now qualify. She added that it is not the kind of neighborhood you expected to live in so...even Tony had...

Comm. Osak asked if this was coming to them because of one complaint going to the ZBA and it generated a communication to P&Z.

Mr. Schultz responded yes, that is correct.

Comm. Osak stated that they are acting on one incident of somebody wanting to have chickens on a 2 acre lot.

Mr. Schultz responded yes, that's right.

Comm. Osak asked if they were going to change the whole town for it.

Chair Parkins responded that Frank raises a good point and that is a reason to have a public hearing because there are a lot of people in this town living on lots that are under two acres who would like to have chickens. She added that they may, in fact, have chickens.

Comm. Harger agreed that they very well may have chickens and asked what that does to the neighbors.

Mr. Schultz commented that would be the silent majority.

Chair Parkins agreed that they could just be silent on it or don't even know that they need it because Government is not supposed to regulate every single thing that they do.

Comm. Dickal stated that she and Tony Pogoda were at all of the Zoning Subcommittee meetings with Rick as well as Tom when he wasn't working. She commented that, from knowing someone who has chickens and from Tony who has a relative with chickens that he has babysat for, she thinks that they have to come to a point where they don't dictate everything. She commented that you could live in a nice neighborhood but have a neighbor whose yard is a shambles...

Chair Parkins added yes, or a dog that barks all day long.

Comm. Dickal commented yes, dogs that howl all night long and added that they can't dictate what people do. There are going to have some people who are responsible and some who aren't responsible. If there were only 6 interested people in the last year, and with the figures from Ginny, she can't see people just running in here after the regulation passes to get chicken. People are busy and chickens are time-consuming to take care of chickens. She stated that she and Tony agreed that it should just stay where it is and go no further than the two acres, possibly raising the figure but do it before a public hearing.

Chair Parkins agreed that it definitely needs to go to a public hearing. She commented that people have a right – this law should not be dictated by a table of six people – they need comments and they need to hear from people who would like to have chickens.

Comm. Osak commented yes - or hears comments from people who would find it objectionable.

Chair Parkins indicated that she doesn't really see, as long as they get rid of the rooster, she doesn't see how it is any different that having rabbits in your yard in little pens. They get out once in a while too and eat some grass...

Comm. Dickal commented that the rooster was their main concern.

Comm. Osak asked if the chickens have access to the whole two acres.

Chair Parkins responded no, they would have to be penned. It says in the proposed regulation that they must be penned.

Comm. Osak asked if, in other words, that they would be fenced in.

Mr. Schultz responded yes and he added no more free-roaming chickens.

Comm. Dickal commented that during discussion, she was explicit about maintaining the chickens and the health issues because those areas have to be kept clean. She added that if they fail to maintain them then they shouldn't be allowed to keep them. It is the same as it is for a dog being kept outside in the freezing cold, the Dog Warden would come out and remove the animal. She reiterated that they just can't dictate every little thing though.

Chair Parkins commented about where it says that “ all chickens/eggs should only be used by owners/occupants and the dispensing/selling of eggs to the general public is prohibited”. She asked if they were really going to tell people what they could do with their eggs.

Mr. Schultz responded that it would be a commercial operation.

Chair Parkins stated that they could change the wording to prohibit commercial selling or that type of thing but if they want to give a dozen eggs to their father-in-law who doesn't live in the house, it should not be against the law.

Mr. Schultz responded OK, they can revise (inaudible).

Chair Parkins added that is what this is saying.

Comm. Dickal stated that they were trying to imply that it was alright if you wanted to give eggs to a neighbor or relative it is fine but if you want to make it into a business then it needs to be regulated. She added that if you sell eggs that are contaminated, someone could get very sick from it and that becomes a liability. They were trying to iron that out.

Chair Parkins responded OK but that is not what it says here.

Comm. Tickey agreed that this should be decided after hearing from the public and they should do a good job of communicating to the public that the public hearing is happening and that they

want to hear from folks who care about this issue. He agreed that this table of people shouldn't be deciding it for the City of Shelton.

Mr. Schultz commented that Staff will put this on the next agenda to schedule a public hearing.

Chair Parkins stated that she wanted to go on the record for disagreeing with the two acres. She thinks that an acre...even if they want to step it up to 6 chickens for one acre; 10 chickens for 2 acres but she thinks smaller lots because not everyone can afford to have two acres of land in Shelton. It is very expensive.

Comm. Osak commented that they aren't buying a lot to raise chickens.

Chair Parkins responded no, but if they are buying a house with two acres than they are spending a lot of money.

Comm. Osak commented yes, but it isn't because they want to raise chickens.

Chair Parkins responded no, but if they have a smaller house or lot, they should be able to have chickens.

Comm. Dickal stated that whatever is voted on after the public hearing, she still doesn't believe a lot of people will run in to get permits for chickens.

Chair Parkins stated that she agreed.

Comm. Harger asked if there had been any discussion with the Zoning Subcommittee about the nuisances and what the chickens attract.

Comm. Dickal responded that all animals attract it. She commented that they border the woods and there are foxes in there that come out...

Comm. Harger stated that is wildlife and this is something that is set on a person's property.

Comm. Dickal responded if you have a rabbit kept outside, they are prone – you have to have common sense.

Comm. Harger asked if that was a part of the discussion.

Comm. Dickal responded yes it was in the discussion.

Comm. Harger stated that there is an odor because some people just will not maintain things like their garbage properly. She added that she's on the Street Committee and she can tell them for a fact that people just drive down the street and throw stuff out the window. It is ridiculous.

Mr. Schultz responded that is why they have a provision for the health district in there.

Chair Parkins reiterated that she just thinks that someone on an acre lot, a smaller lot should be able to have 4 or 6 – she added that she couldn't see how they could possibly need 10 chickens. She didn't know why one family would need 10 chickens because that is a lot of chickens. If you have 10 chickens on two acres than you've got a mini-farm going on there and you're doing something else with the eggs other than just consuming them yourselves.

Mr. Schultz commented that the Subcommittee actually thought five chickens was enough because healthy chickens can lay a lot of eggs.

Comm. Harger agreed that if there are about a dozen a day, then at the end of the week there will be almost 6 dozen.

Comm. Dickal responded that is what she had said – five chickens. They tried to start from somewhere because originally it was twenty.

Mr. Schultz added that 20 chickens is excessive.

Comm. Dickal commented that they went from 20 down to 10 but she suggested five. She agreed with Jim Tickey about just getting this out there and if there is a big interest...

Mr. Schultz indicated that they have a lot of latitude during the public hearing. If they want to have steps or hold the line at five.

Chair Parkins stated yes, steps; if you've got an acre and you want 4 chickens you should (inaudible)...

Comm. Dickal responded yes, exactly.

Comm. Tickey stated that to that point, now that this has come to their attention – it may have come from one complaint, but now they have to look at the whole City. They need to put this one complaint over here and set some parameters.

Comm. Osak commented that if they allow lesser chickens on one acre than your bulk standards have to change because this won't work.

Comm. Dickal stated that everything then would have to be tweaked.

Comm. Harger indicated that they would have to realign it.

Chair Parkins stated that if they present this as is at the public hearing, it wouldn't pass.

Comm. Dickal responded that they were hoping to go with the public hearing but they figured that they should start somewhere.

Comm. Harger agreed that they had to have some proposal to work off of.

Chair Parkins asked if they wanted to tweak this or send it out as is.

Comm. Dickal asked where they were putting it out ...they should tweak it a little bit.

Chair Parkins responded that if they go to public hearing then they have to put this out or (inaudible)...

Comm. Dickal commented that maybe they should start with 5 chickens instead of 10.

Comm. Tickey stated that should change 45.9.4 and alter the wording, he agreed with Ruth (inaudible)...

Mr. Schultz responded that Staff knows what it needs to do so he'll bring it back to the Zoning Subcommittee.

Chair Parkins stated that they could just basically say the selling of the eggs to the general public is prohibited and take out the word "dispensing."

Mr. Schultz responded OK, they weren't excessive on that.

Comm. Osak commented that he wouldn't want chickens on his next door neighbor's yard.

Comm. Dickal stated that they were all unanimous about there being no roosters because they are so noisy.

Chair Parkins responded yes, but asked if they were allowed on the farms.

Comm. Dickal commented yes, if you have the kind of acreage for a farm then you can't dictate if they have a horse, a goat or a sheep.

Mr. Schultz stated that Staff spent all of last week to find a farm that would take a rooster. They found a place out of town. As they know, a rooster crows at about 5 a.m.

Comm. Osak asked if he was responsible for finding a home for a rooster.

Mr. Schultz responded that they were trying to help the neighbor who has a night shift and can't sleep because of the rooster.

Chair Parkins commented that where it says 45.9.4 "All chickens and their eggs shall be used only by the owners/occupants of the property...the word "only" should be removed because then it is not as restrictive by saying "only" and remove the word "dispensing".

She asked if the Health Department gets involved with this.

Mr. Schultz responded yes.

Chair Parkins asked if they come in for a Certificate of Zoning Compliance to have chickens, then the Health Dept has to check out the property.

Mr. Schultz responded no, only if they aren't maintaining it.

Chair Parkins commented that they are only involved if there is a complaint.

Mr. Schultz stated yes, that chicken manure is very strong. You can till it into your garden; it is the best manure for gardens but it is intense.

Comm. Harger agreed and commented that if the wind blows the wrong way...

Chair Parkins reiterated about changing the wording...

Mr. Schultz commented that they can schedule the public hearing at the next meeting and then he will make the referrals because these are Zoning Regulations for the whole town. It also has to be sent to the Council of Governments.

Chair Parkins stated that at the public hearing she is going to propose a lower requirement with a tiered number based upon (inaudible)...

Comm. Dickal responded that they were looking at that but they had to start somewhere.

Chair Parkins commented that they will hear from the public as to how many chickens they have, what their lot sizes are, or what they have or would like to have – they probably aren't going to come and tell the Commission that they have chickens.

Mr. Schultz asked Comm. Harger if the Council of Governments moved to Waterbury.

Comm. Harger responded that the meeting was supposed to be last night but they cancelled. They had a get-together on Friday afternoon in Middlebury. There is a consolidation – the General Assembly passed realignment just like the Judge of Probates was done.

Chair Parkins commented that they were merging.

Comm. Osak stated that was the original Regional Planning Agency and the Council of Governments succeeded them so they redefined the Council of Government area.

Chair Parkins asked if they needed a motion for this public hearing.

Mr. Schultz responded no, the Chair has directed Staff to put this on the agenda to schedule a public hearing.

Chair Parkins responded OK and asked if this has to go back to the Zoning Subcommittee first.

Mr. Schultz stated that that Staff was going to tweak it, send it to the Zoning Subcommittee. He indicated that he could do that electronically.

Comm. Dickal responded that email was a good idea and added that the three of them on the Subcommittee spent extensive time with this.

Chair Parkins commented that any further discussion can take place at the next meeting at the time that they schedule the public hearing.

**PLANNING WORKSHOP: Discussion on the Make-up of the Taxable Grand List**

Chair Parkins stated that the next item on the agenda is a discussion of the make-up of the taxable Grand List.

Mr. Schultz indicated that Staff provided some background data on the Grand List which everyone has a copy of and he has a couple of more years...

Chair Parkins asked if he sent this to Comm. Osak.

Mr. Schultz responded yes, some of it, but he got a lot of it today. He has the 2013 Grand List, 2012 Grand List and 2011 Grand List. He also attached the Economic Build-Out Analysis from the Plan of Conservation and Development, Worksheet #7. He also attached the minutes that the POCD Update Committee discussed.

Comm. Osak responded that somewhere in that document there was the makeup of the Grand List in Chapter 4. It was 27% non-residential and that is all it says. At the time that shocked them a little bit.

Mr. Schultz stated that, if they read conclusions on Page 10 ...

Chair Parkins commented that one of the charts provided didn't make any sense. She is reading the one about the Percent of Net Grand List by Property Tax – well, if it is based upon property tax than it is based upon what your mil rate is.

Mr. Schultz responded yes. He referenced the Conclusions sheet – he asked them to keep in mind that what Staff has to do – this is very general because all of the residential is all combined. They have different types of residential now and it has to be broken down because in the Conclusion, for example, it says “100% additional houses as build-out will cost the City almost \$150,000 more annually in expenditures (that is 2002 dollars) and they would produce some revenue from perpetuity with no further opportunities to offset those added costs.”

Mr. Schultz commented that they are getting multi-family and there is a revenue side to that and that is what they have to have. Right now, the Assessor's Office does not breakdown the Residential category.

Comm. Osak stated that in other words an apartment complex is considered Residential.

Mr. Schultz responded yes, right.

Comm. Osak asked what is wrong with that.

Chair Parkins responded because it is a place where people reside but it is also a tax generator in that there are no services and it is a business. They are generating profit so it is business.

Mr. Schultz added that is what Staff wants to do is to further break it down, provide data that makes sense and then you can use that data to have a rational discussion on it because, obviously the direction of the market right now is heavy with residential. He added that it wasn't the one acre single family residential because they only have 20 permits a year now.

Chair Parkins asked what the long-stay hotels were considered to be and were they residential or commercial.

Mr. Schultz responded that they were commercial and that generates a lot of revenue per square foot. It is optimal.

Chair Parkins comments that she thought the apartments do as well.

Mr. Schultz responded yes and now they have Avalon and they can use that. They are working on getting the data from that.

Comm. Osak asked if he meant the demographics.

Mr. Schultz responded yes, everything.

Comm. Dickal stated that at work, one of the physician's residents moved into the Birmingham and was telling her how he has no money left after paying the \$1450/month rent.

Mr. Schultz responded that with the combined income for those units are low. He recalled that they saw those numbers as opposed to Avalon which was \$140.

Comm. Osak commented yes, you showed \$140 but there are more than two wage earners.

Mr. Schultz added that the Birmingham doesn't have discretionary disposal income but Avalon does. He commented that they need to get that information and that is what they are working on.

Comm. Osak stated that he asked Ruth to put this item on the Agenda because he has only been on the Commission about 6 or 7 months and he noticed that there is a lot of permit discussions that go on and the agendas are full of zoning matters but there is really no planning activity that they do. He stated that one of the tenets of the P&Z Commission is to provide for a favorable Grand List and that dictates Land Use Policy so the discussion starts with Grand List.

Comm. Osak recalled when he was asked to serve on the planned update commission for the POCD in 2004, they hired a consultant to put the thing together. He added that he doesn't think that they ever want to do that again – they should do it themselves but that is beside the point. He remembered seeing for the first time the portion of the taxable Grand List that was non-residential (Chapter 4 of the document) was at 27.5%. He commented that he was around in the early 1970's and 1980's and he can remember the Grand List in the 1960's; he was shocked by that because there was a time when the non-residential portion of the Grand List was in the high 30%. It was the goal of the P&Z people at the time to keep the Grand List heavily for non-residential hoping it would drive taxes down for residents. He stated that when he first got the breakdown of the Grand List as of October 2013, which is the Grand List that they are paying taxes on now, the nomenclature is different than he used to see before. There are 8 different components. He remembers seeing two or three at the most which is strictly residential and strictly commercial and personal property that was attributable to commercial and attributable to residential. There were some odds and ends but that is all that he saw.

Comm. Osak stated that he thought it would be a good discussion to start having because they should have goals for Grand List growth as a planning function. They have to ask themselves what the Grand List will look like in 2020 – 5 years from now – five or ten years from now in 2025. It is their job to make sure that it is structured so that the heavy tax load doesn't fall on the residential taxpayers. He added that is his perception of what they should be doing. He is throwing it out for discussion; he doesn't mean to dictate an approach on this thing but he thinks that they should participate in some planning function. A good place to start is to ask themselves what the Grand List look like in 2020 or 2025. He stated that was his contribution to this.

Chair Parkins commented to Comm. Osak that she had a couple of things. The POCD is what they use as a guide. It is not a Bible – it is a guide that they use as a planning tool. There has been a lot of – when people have lots in a residential area it is as-right for them to build houses. When it comes to larger developments, that is when this Commission needs to look at the current situation of the town and determine - such as what happened with Hawk's Ridge. They took a Light Industrial piece and turned it into a Residential component.

In terms of the planning, she stated that she thinks that they do planning, a planning process in her view which may not be correct, but that is when the planning comes up during the P&Z meetings.

Chair Parkins commented that some people are saying that a “bird in hand” is better now than later (or however the saying goes...). She added that she doesn’t think that they are necessarily looking five years out but they are looking short term right now because no one has a crystal ball.

Comm. Osak responded that he knows what she is saying “one in hand is worth two in the bush...”

Chair Parkins stated that they don’t have a crystal ball so at any given time the current P&Z Commission does what they feel is best for the community in terms of generating taxable base and not relying heavily on (inaudible)... There is a lot of conversation when new housing is being proposed and how it will generate children going to school and that sort of thing. Chair Parkins commented that the POCD is updated every six or ten years. She asked Rick Schultz for clarification.

Mr. Schultz responded 10 years.

Chair Parkins commented OK, ten so it is coming up and she agrees that... She added that she agrees with Frank; she wasn’t involved in it because she wasn’t involved in City government at that point but she remembers attending some of the meetings for it. She recalled that it was a very long process. She agrees that they do have the expertise right here at this table to rework that document. She indicated that a lot has changed over the last 8 years in Shelton.

Comm. Osak stated that they have to ask themselves how the Grand List is going to look in 10 years and that dictates their land use policies. The other thing is when looking at permits for land use in the year 2025, he asked what they would have for land uses to devote to non-residential construction. He added that they aren’t making any more land. They have 19,000 acres and it isn’t getting any bigger and when they use it up it is gone. He asked what they were doing to guarantee when the year 2025 or 2030 there is still enough land available to attract non-residential additions to the Grand List. It is a long term view but you can’t do everything on the snap of a finger of today’s stimulus. The market is dictating to them that they want to do this and they are basically saying “Ok, we’ll let you do it.” He commented that he isn’t sure that is the right posture because they aren’t thinking about 15 or 20 years from now and that is important for them.

Chair Parkins responded that they are sitting there listening to the Developer who is putting on the best show he possibly can and the public relations that go along with it.

Comm. Osak stated yes but they don’t have an obligation to accommodate every proposal that comes to the table.

Chair Parkins responded that he was absolutely correct that they don’t.

Comm. Osak commented that in his months here, he doesn’t see anything like it... He commented the Downtown Subcommittee was going to be talking about Spongex Rolfite and Brennan Apex Tool projects. He referenced the DSC agenda and stated that it was an acquiescence to go ahead.

Chair Parkins responded no, it is not.

Comm. Osak stated that they have a difference of opinion but he knows how things work in this town and he knows how this goes.

Chair Parkins responded that is also a part of Economic Development too and they don’t control Economic Development. They are not the Economic Development (inaudible)...

Comm. Osak stated that they control land use and they control economic development.

Chair Parkins responded that they already approved a plan for Canal Street so these people are coming in based upon that plan. They have already done the planning for Downtown with the purpose of redeveloping Downtown and bringing life back to it. She indicated that they have already approved a master plan for that area and these people are coming in under that zoning to apply and that is where it starts.

Comm. Harger asked Comm. Osak if it would make him feel better if they identified tracks of land in town and did something like they just did for Constitution Boulevard proposal for the extension as to what they would like to see in other parts of town; areas in town that they see as developable areas.

Chair Parkins commented that she didn't think that there were that many places left.

Mr. Schultz responded that they have the build out of Laurel Heights; the Mas property is separate and the Wells property.

Comm. Harger commented all the stuff on Bridgeport Avenue across from Wells Hollow Farm. She added that it would be areas like that.

Comm. Osak stated that they should lay that out for 15 years and see where you are short. He commented that they should try that as an exercise; he thinks that they will be surprised that they are going to run out of resources.

Chair Parkins responded that they know that they are going to run out of resources eventually. She doesn't think that anybody disagrees but all that you can go by are what the current conditions are today. She stated that they don't have a crystal ball to predict what it is going to be like in 15 years. She asked who knew that the economy was going to tank like it did change everything. She added that they were hot and heavy on Commercial and Office space and now everything is Residential.

Comm. Osak commented that it will come back.

Chair Parkins agreed and commented that she didn't think that Shelton has ever totally lost it.

Comm. Osak stated that it will come back and when it does they have to be ready to accommodate it because it is an opportunity to enrich your Grand List in a way that doesn't tax residences. He added that has got to be considered for the future. The snapshot of today is today but that isn't what they are all about. It is uncomfortable to think about predicting the future; unfortunately, that is their charge.

Chair Parkins responded, well to the best of their ability anyway.

Comm. Osak commented yes to the best of their ability so they have to put some effort to try to make that happen.

Comm. Harger asked how many other areas in town are up for grabs as to what they can put on them. She stated that is why she suggested identifying them.

Chair Parkins stated that is what you do if you are part of the POCD – that is a purpose of that document to identify that. She added that what they need to do is go back and revisit that and indicate the changes and bring it up to date about running out of resources.

Comm. Osak commented yes they are just going to run out of resources.

Comm. Tickey asked when that process would begin to review the POCD.

Chair Parkins responded that 2006 was the last one.

Mr. Schultz stated 2016.

Comm. Tickey asked if it starts in 2016 or it has to be done by 2016.

Mr. Schultz responded that the State wants to see the document adopted.

Chair Parkins stated adopted so...public hearing process and the whole nine yards.

Comm. Tickey asked if the P&Z steers that.

Mr. Schultz responded yes, it is your call.

Chair Parkins stated that there was a consultant that was used.

Mr. Schultz indicated that the BOA reviews it at the end but it is P&Z's call.

Comm. Osak asked about the 6 people who did the last POCD. He asked if it was the Aldermen.

Mr. Schultz responded no, the P&Z Commission appointed but the P&Z asked the BOA to assist in the appointment and that is the part where it got diluted. It is your call.

Comm. Osak commented to Rick that he gave him the State Statutes and he can't find anything in there where the legislative body does it. It is P&Z that does it.

Mr. Schultz responded yes absolutely.

Comm. Osak commented that it does say that P&Z can extend out to some other people to help them formulate the Plan.

Mr. Schultz responded yes and that is what is happened last time.

Comm. Osak stated that the only people that came from P&Z were Tony Pogoda and Alan Cribbins showed up occasionally; basically there was no input at all.

Mr. Schultz stated that it needs to be the P&Z Commissioners.

Comm. Osak agreed that it has to be.

Chair Parkins agreed.

Mr. Schultz stated that there is too much valuable information that you digest.

Comm. Harger stated that they were good sessions; she went to those. She stated that right in the beginning of Chapter 7 in the POCD "with nearly  $\frac{3}{4}$  of the City developed, less than 500 of the approx. 4800 acres of vacant and undeveloped is available for economic development..." She added that was written 10 years ago.

Comm. Osak stated that back in 1972 or 1973, the State fostered another thing on them called a Community Development Action Plan; they called it CDAP. He remembered that Mayor Tisi called them into his office having this mandate from the State that the City has to do something. They said that they had to appoint a Community Development Action Plan Agency. He called him and O. Severson and sitting with them was Pat Walsh and Bill Araujo (sp?), a Republican and Democrat. They wanted to him to be the seat at the Agency but that was supported by State funds of \$150,000. It was a lot of money at the time. They put together a plan but they went through the act of trying to predict if they had enough land set aside for non-residential given a certain type of assessed valuation going on each parcel and they didn't have enough then. The only thing that saved them was that they got more than they ever envisioned. What they envisioned as an addition to the Grand List back in those days was North American Phillips, American Chain & Cable, Dresser Industries and a factory on Route 8 called Branson(?). They said that what the Grand List added for a useable acre on those is what they projected in the future then they factored in inflation obviously and they took themselves 20 years out. They didn't have enough land and the only thing that saved them was that Scinto came with 10 story buildings.

Mr. Schultz added – and structured parking lots – because that is all taxable – personal property.

Comm. Osak stated that Scinto buildings add about \$5M worth of taxable property per acre, for raw acre. That is the kind of stuff that you want to see. They didn't have enough then but that saved them. If they went through that same calculation now, with putting Hawk's Ridge into those things, they would run out of resources without question. He doesn't have to go through a study and they know that too. They have to do something about that. He asked if there was another piece of property in town that has undeveloped land that is useable.

Chair Parkins responded that according to the people at that public hearing and that whole process there is tons of additional land to use so she doesn't know. She added that she agrees with him.

Mr. Schultz stated that they aren't looking at 2025 or 30 years from now.

Comm. Osak commented that he is trying to get them excited enough to tackle this as a subject for study.

Chair Parkins responded right and added for that every parcel that comes in for a PDD to put residential on it instead of commercial or light industrial, they can't say "yeah, you know what, you're right, light industrial is dead. We have this now so we might as well take it." She commented that it was not forward thinking.

Comm. Osak agreed that it is not forward thinking. It was the best that they could get - so take it.

Chair Parkins commented that they don't have to. She stated that it is never to start having planning sessions on the 2016 POCD. They are really a year and three months away from 2016.

Comm. Osak responded that if they are going to do it than let's start. He asked what they had for a new budget. The new budget started in July. He doesn't know how much money he's got to do that.

Chair Parkins asked why they needed money.

Comm. Osak responded that Tony Panico is going to do some of it and they are going to use his time. He's a fee for service component and he requires money. They will have to prepare a document and (inaudible)...

Chair Parkins asked Rick if his budget ran from June to July.

Mr. Schultz responded July 1<sup>st</sup> to June 30<sup>th</sup>.

Chair Parkins asked if he budgeted for him for any kind of consultant services next year for the POCD.

Mr. Schultz responded just the normal standard.

Comm. Osak stated that he doesn't think there is enough money. You've got to bring your dwelling distribution map up and do all the mapping of the current standards, how much open space you've got and do all the calculations that he is alluding to here.

Mr. Schultz responded yes, the last plan cost \$120,000.

Chair Parkins commented yes but that is because they hired someone and they don't need to do that.

Mr. Schultz responded yes, that was an issue.

Chair Parkins added that they didn't really have one. It was formulated from scratch.

Comm. Osak stated that all of these Planning consultants have a computer with software that is loaded with word boilerplates. All that they do is change Chester to Shelton and produce the document.

Comm. Tickey stated that it is almost October 1<sup>st</sup> and before they know it, with the holidays and the winter, they will be in 2015. It is a great time to start over the winter for planning sessions. They will have a year out to produce a document.

Chair Parkins stated that from a planning perspective, and she certainly won't put Frank on the spot right now, it is something he can contemplate, but from a planning perspective can they appoint Comm. Osak as the Chair of the Planning Commission.

Mr. Schultz responded that was her call.

Comm. Osak asked if he could legally do that.

Chair Parkins commented that was her question. She would do it in a heartbeat if he would accept it.

Comm. Osak responded sure.

Chair Parkins stated that she wants to make sure that she can do that.

Mr. Schultz responded that he was almost positive.

Chair Parkins asked Rick to check with Corporation Counsel on that. She added that she thinks Frank would be very good at it.

The other commissioners agreed.

Comm. Osak commented that if he says yes, they have to find out how much budget he has.

Chair Parkins stated that Frank has a little bit more time than they do and also has all of the history. He worked on the last plan and he amazes her with the amount of information that he has.

Comm. Dickal agreed that he remembers dates, companies and all this other stuff.

Chair Parkins indicated that she thinks the Committee should be comprised of everyone. She doesn't want to assign just a few members.

Mr. Schultz agreed and added that it really got diluted with the Conservation Commission and everything.

Chair Parkins commented that unlike the DSC she needs for this to be the full Commission and whoever can make it because (inaudible)...

Comm. Osak asked if they had a Downtown Plan.

Mr. Schultz responded yes.

Comm. Dickal stated OK, than in 2015 they move forward with it.

Mr. Schultz commented that the model that was tried at the time made sense but it just did not work and it took over two years. If Frank recalls, they met on Mondays and it was for over two years that they met on that plan. He didn't want to say that a lot of it was wasted but if the Commissioners had been present they would have gained so much more.

Comm. Osak indicated that all they were doing was bringing people that don't know anything up to speed.

Mr. Schultz commented yes, there was a learning curve.

Chair Parkins asked Rick to check with Corporation Counsel and then they can begin. She asked Frank to start compiling where to start and what he thinks needs to be done. They will be ahead of the game on this.

Comm. Tickey responded that he thinks it sounds like a good plan.

**ADJOURNMENT**

**On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to adjourn the meeting at 7:10 p.m.**

Respectfully Submitted,

*Karin C. Tuke*  
P&Z Recording Secretary