

SHELTON PLANNING AND ZONING COMMISSION

OCTOBER 28, 2014

The Shelton Planning and Zoning Commission held a special meeting on Tuesday, October 28, 2014 at Shelton City Hall, Auditorium, 7:08 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 Anthony Pogoda
 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
 Stephanie Charboneau, Court Stenographer
 Karin Tuke, Recording Secretary

Tapes (2), correspondence and attachments are 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 October 28th P&Z Commission Special Meeting to order at 7:08 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that there would be two public hearings on the agenda. She reviewed the procedures for a public hearing, using public sign-in sheet to speak and restricting cell phone usage during the meeting. She asked the P&Z Secretary to read the Call of the Hearing for Application #14-19 and any applicable correspondence.

PUBLIC HEARINGS

APPLICATION #14-19: PETITION OF WATER'S EDGE OF SHELTON, LLC FOR MODIFICATION OF PDD #78 BOUNDARY, DETAILED DEVELOPMENT PLANS (3 ADDITIONAL DWELLING UNITS), CAM SITE PLAN AND APPROVAL OF REVISION TO LAND USE CATEGORY OF THE POCD, 500 AND 510 RIVER ROAD (MAP 54, LOTS 33, 44, AND 2).

Comm. Harger read the Call of the Hearing for Application #14-19 and three pieces of correspondence.

***See attached e-mail correspondence dated 10/22/14 to Richard Schultz, P&Z Administrator from Krystal Kallenburg, Environmental Analyst, DEEP, Office of Long Island Property Programs.**

***See attached correspondence dated 10/23/14 to Richard Schultz, P&Z Administrator from James M. Tortora, Shelton Fire Marshal.**

***See attached correspondence dated 10/22/14 to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer (including 2 pages of aerial photographs).**

Peter Hughes, representing Water's Edge Shelton LLC addressed the Commission. Mr. Hughes indicated that he was here tonight for an amendment to PDD #78 which became effective on August 29th. Using a site map, he pointed out that PDD #78 was 14 units with the existing house on Fanny Street including the 12 new units. He stated that what they have before the Commission tonight is approximately over ½ acre and he pointed out its location. He indicated he was requesting to add one building with three additional units.

Mr. Hughes referenced a highlighted area on the site plan and explained that it was a section of the access drive that had been a 20 foot width in order to pass approval which is now widened to a 24 foot width.

Mr. Hughes showed units 1 – 5, the individual access drive which was approved at its current grade of 12%. He showed the manner in which the drive comes in, circulates around; the drive does the same with just a right turn into this area with the three units. He added that the sewer comes down into gravity and the water goes up. They have added one row of (inaudible) to the drainage system under the parking lot to accommodate the additional storm water.

Mr. Hughes showed the location of the 25 foot buffer along the river and the retaining wall on the backside of the units. He pointed out the location of the Latex building and stated that the transfer of the ½ acre does not impact Latex's zoning compliance as far as code coverage. He indicated that architecturally, it is the same architecture as the previously approved units with the shake, the relief, and maintenance-free construction.

In addition to the three pieces of correspondence read into the record, Mr. Hughes stated that they also received Inland Wetland Commission approval on October 23rd. He added that they are pending approval with the WPCA. The flow is available for the additional three units. They had to do an analysis of the line which was originally approved and they've had conversations with Matt Germaine with Fuss & O'Neill who concurs that there will be adequate sewage capacity for the additional three units.

Mr. Hughes summarized that the width would become 24 feet, three additional units, and nothing changes on the other side of the development that was originally approved. This is strictly this ½ acre being extended out. He indicated that one of the other things that they were allowed to work out with Latex is the ability to grade a clearing shelf on the driveway between themselves and Latex. They hadn't been able to do that spot before so now they will have consistent buffer between their driveway access and the building at Latex along the whole length of the driveway. He indicated that was a part of this application as well. He concluded his presentation and offered to answer any questions.

Comm. Dickal asked about the road going to the three additional homes and if there was adequate space for fire apparatus and emergency vehicles to get through.

Mr. Hughes responded yes, they have the Fire Marshal's letter. It is an identical layout as Shelton Cove. The same as the units to the right came up Shelton Cove at the end. This is the same length, 24 foot width so the answer is yes.

Comm. Harger asked if it was correct that there are no changes in the location of the docks.

Mr. Hughes responded that nothing else changes. The one thing he didn't mention is that this site, requiring that they do some grading, will reduce the volume of trucks that they need to bring in by two-thirds; so they will be reducing approximately 300 to 400 truck trips into the site.

Chair Parkins commented that they are getting the fill that they need.

Mr. Hughes responded yes, as they are taking fill, pushing it over, they are building the units.

Chair Parkins asked if this was added on as an addition because of that situation.

Mr. Hughes responded that was a part of the process in the discussion with Latex initially, yes, to reduce the truck traffic coming down the driveway during construction. It just grew into them asking if they wanted to buy it and put some units on it...and that is why they are here.

Comm. Harger asked how many additional parking spaces they would be providing for visitors.

Mr. Hughes responded that they are providing 3 additional guest spaces and he showed the location on the plan. He stated that the driveways can have two cars in them as well.

Comm. Dickal asked what would happen if two of those residents were having a party on the same day. She asked where they would be able to park.

Mr. Hughes pointed out the location and stated right where everybody else is parking.

Comm. Dickal asked if that was a long walking distance to the homes.

Mr. Hughes responded that it is about 60 feet. He added that they have 26 guest parking spaces for 17 units.

Chair Parkins commented that was a lot more than she has.

Mr. Panico asked what sort of buffering they would be providing between the new units and the industrial area.

Mr. Hughes responded and pointed out the location of the retaining wall and a 12 foot planting shelf and stated that they are going to be approx. 13 feet below their parking lot grade. They will plant a double, staggered row of evergreens so there will be a permanent buffer along with a fence.

Comm. Harger asked what the height of the retaining wall would be.

Mr. Hughes responded 13 feet.

Comm. Harger asked what kind of treatment that was going to be for construction.

Mr. Hughes responded that it would be a pre-cast wall with a finished face; either a Versa-Lok wall or a Redi-Rock product that can be molded or shaped to look like anything they want.

Comm. Harger asked if it would be something with natural coloring.

Mr. Hughes responded yes, absolutely. It will blend in with their taupe, very earth-toned color.

Comm. Harger asked about the location where the three visitor parking spaces would be and if there would be any pathway down to the water and what type of drop would the elevation be going from – she asked if it would be about 40-20.

Mr. Hughes responded that they just had this discussion on Friday. On the site plan, he pointed out the pathway down so they were looking to do is put wing walls, small Versa-Lok wing walls using this landscaping and create a serpentine path down to that area. It is about 40 to 60 feet in distance to the water.

Comm. Harger asked if that was planned anywhere else – a pathway - on the previously approved plan because she does not recall.

Mr. Hughes responded no they were just reutilizing the grass. He showed where they had a walkway for five of the units.

Comm. Harger responded OK.

With no further questions from the Commission, Chair Parkins indicated that she would open up the public hearing for public comments. She called the first person on the list to speak, Bill Dyer. She requested that speakers address any comments to the Commission and not the Applicant.

Bill Dyer, 12 Beverly Drive, Shelton addressed the Commission. Mr. Dyer indicated that he was a member of the Shelton Conservation Commission. He indicated that he can't figure out what the hurry is with this – they are basically going to vote on this tonight without the Conservation Commission having an opportunity to review and comment on this Application. He added that there may be other people...they are replacing a business with residential units that could add more children in their school system. Mr. Dyer commented about the 13 foot

retaining wall and stated that he suspected it was going to be more than that. He stated that he has been out to that property, as he is sure the Commissioners have, and it is like a 45% slope, so from the River, it is not going to look anything like it looks right now.

Mr. Dyer stated that in the town of Shelton they have done a good job of retaining the viewscape from the River and now they are going to cut into a 45% slope so the builder can maximize more units. The access road is 12% and any kind of bad weather...he added that they have lost that battle by approving it but they are allowed to deny this. They have done it in the past but all of a sudden it doesn't seem to be happening. He thanked the Commission.

Judson Crawford, 8 Jordan Avenue, Shelton addressed the Commission. Mr. Crawford asked about the Board calling a Public Hearing on any piece of property and their yellow sign. He stated that when he was driving up River Road, he thought the sign should be more visible from the road and their sign was off to the side and difficult to see. He pulled his car off to the side of the road in order to read the sign.

Mr. Crawford asked about the building of this first house and his stated his concern as to how close it would be to Latex. He commented about the weather and if they get a humid day/night, they would not like the odor that they will have to put up with. He added that he was thankful that he was far enough away from Latex not to be affected by the smell. He indicated that from the way he was reading the plan, it looked as though it was right up to their backyard. He restated that it was all about Mother Nature. He thanked the Commission.

Rich Conklin, 1 Two House Lane, Shelton addressed the Commission. Mr. Conklin stated that he lives on the corner of Jordan Avenue and Two House Lane. He commented that he has been following this process for quite a while and he knows that the Commission made a lot of changes during that period of time. One thing that he wanted to make sure of was that with this new structure going up that it would have the traffic to it and from it going right up to River Road and not down Jordan Avenue and so on. Mr. Conklin indicated that was his only comment and he didn't see any problem with this application. He thanked the Commission.

Thomas Harbinson, 15 Soundcrest Drive, Shelton addressed the Commission. Mr. Harbinson indicated that he is the Chairman of the Shelton Conservation Commission and stated that he had some thoughts on this. Mr. Harbinson commented that his Commission has not yet had the opportunity to review this application and that was his first point.

Mr. Harbinson indicated that through their part-time Conservation Agent, they received the drawings via email and the photo they received via Dropbox. It was received on 10/21, a week ago, and the referral asked for the Conservation Commission's response by the 28th. Given that City Hall is closed on Saturday, Sunday and Monday, it gave them 3 days and he thinks that is inappropriate. Mr. Harbinson stated that he thinks the P&Z process should be reviewed as to how quickly applications, when drawings and documentation are received, that they ask other bodies to comment on them appropriately.

Secondly, Mr. Harbinson stated that he was disappointed that he did not hear more conversation during the Commission portion asking for response from the Applicant regarding some of his questions as to why he did not endorse the application. Therefore, he asked the Commissioners to ask for a response from the Applicant as to why the Housatonic Riparian Zone is encroached as close as 15 and 20 feet. He believes it was Item #3 in the Engineer's letter and Item #4 is that the setback is as close as 15 feet from the wetlands and that the gradient of the driveway was not updated from the original application. He reiterated that he was surprised that none of the Commissioners asked those questions given that the City Engineer's letter was read.

Mr. Harbinson indicated that he also wanted to talk about the PDD mechanism in general. This is a very good tool when it was created for this City but it seems to have become abused and that is unfortunate. He stated that he served on the Plan of Conservation and Development Committee that updated the POCD nearly 10 years ago so he is a little bit more versed in some of their Subdivision Regulations and Zoning Regulations than some of the other public perhaps. Mr. Harbinson indicated that the two purposes of the PDD mechanism was to allow flexibility in the applications that were proposed that their Zoning Regulations and some of their Subdivision Regulations would not envision. He indicated that if his memory serves, the first applicant was

the Cheeseborough-Pond application that was a hybrid of a laboratory and office building which their Zoning Regulations didn't have something to wrap around so the PDD mechanism allowed that and served their community well with increasing their Grand List with a quality development and community involvement. He was in Junior Achievement at their offices when he was younger so quality development for their Grand List is one of the primary reasons that they are all sitting there and choosing to serve their community. He indicated that was the first thing that they should ask about any application including this one in terms of its expansion.

Mr. Harbinson added that a second thing they should ask is that any applications avoid conflict such as an industrial operation that runs 24 hours such as a factory with potential noise or smells or lighting that could hinder the enjoyment of the residents that would eventually inhabit the (inaudible) which they are considering. There is quite a close proximity in what is being proposed here with this additional building of three units. In his eyes it presents the potential for future conflict which the Commission should consider and how to possibly mitigate that if they move forward on the approvals.

Mr. Harbinson commented about the environmental conditions of the site. As a part time servant to the community, he makes an effort to visit the sites of many of the applications. He and two of his Commissioners went there on a Sunday during the summer to visit the site. They walked the site, took photos of the site and he challenged them as Commissioners to do the same with many of the applications that they receive. He added that he knows that some of them do but in this particular location, its proximity to the River drew their interest. As they know, they have an Open Space Plan that gives high importance to the greenways in their community and the largest greenway and the largest waterway, the Housatonic River, is one that they look closely at not only in how people on land can enjoy the water but how people on the water can enjoy the view shed of the land and natural valley corridor that they have.

Mr. Harbinson indicated that where there is potential to save that character in its natural state, they endeavor to do so and where there are regulations in place that allow that protection to be done in other ways than purchase of the land, they have done so. Mr. Harbinson commented that they have been quite disappointed in recent developments and how they have not followed the Application's approval and the infringements that have occurred in terms of encroachment into watercourses and the deforestation of land. He indicated that he thinks those are obvious to anybody who travels in this area and some of those developments have not reached completion so the full visual impacts and development impacts have not yet been felt but they are in close proximity to this so they look very closely at this site.

Mr. Harbinson indicated that when they walked this site over the summer they saw numerous mistakes on adjacent parcels - this piece that is being talked about as an addendum. It concerned them about the potential of connecting a sewer line or whatever to the development at 550 River Road. They wondered amongst themselves why this property whole property here outside of the boundaries of this application. It piqued their interest back then and now it is unfortunate to see what is being proposed.

Mr. Harbinson commented that in the drawings he received via Dropbox, there was one showing the existing site conditions for the currently industrial site that had identified a number of the specimen trees with their caliper and species and in the drawings that show the extended area, this addendum area, there is no such identification. He said that from firsthand experience he can tell them that it is significant, the caliper of the trees and the quantity of the species. It is a severely sloped area and it says in the Application's drawing that there will be an engineering study as to any kind of retaining walls. He encouraged the Commission, given their past experience with engineered retaining walls and the type of river run gravel that occurs along the Housatonic River. He stated that he was specifically referring to the development across from the Sports Center and that they make sure that the engineer's review is thorough. The last thing they would want, if the Commission approves this, is to have a steep slope area sliding into the Housatonic River. He asked them to take their time to contemplatively review this application. He thanked the Commission.

Chair Parkins asked if there were any further comments and requested that comments be limited to this specific addition of the three units because the PDD has already been approved. She

added that is what this public hearing is for – the addition of the three units and not the overall plan of the PDD.

Ann DeFilippo, 56 Victory Street, Shelton addressed the Commission. Ms. DeFilippo indicated that she was a land owner on the River and she was concerned if these people would have access to the river with boats. She is concerned about the erosion - still.

Chair Parkins responded that it was the same as the previous plan...there is no additional...

Ms. DeFilippo asked if these people would have access to the river and have boats.

Chair Parkins asked if she was referring to the dock which was approved by the DEEP.

Ms. DeFilippo responded no, besides that.

Chair Parkins responded no, they are not proposing any additional access to the river.

Ms. DeFilippo asked if, in other words, they can't go down to the river with a boat just to take it from their backyard.

Chair Parkins responded no. She asked if there was anyone else wishing to speak regarding this proposal. With no other public comments, she asked the Applicant if he wanted to address any questions that may have come up.

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

Mr. Hughes responded that in regard to construction, they have their own construction supervisor on site and work does not happen unless they are there and they are there daily. He stated that they are very concerned about the river, as are others. Construction will begin from the top down and they aren't going to start from the bottom up. They are going to excavate so that the front face will always be in front of them. They will be in a hole working out to a flat level, coming down and out. This is a 13 foot wall vertical and then they are coming flat across. They have gotten permission from Latex to work up there, store their materials and equipment so everything will be top down and that will reduce the erosion probabilities.

Mr. Hughes stated that they do have a Soil Erosion Control Plan that they will put in place as a part of the plan and it will be monitored. He reiterated that they have their construction sequence and they have nothing to do with what happens on other sites. He added that they don't have issues on their sites; they do what is on the plan.

Mr. Hughes referenced the site plan and indicated that this does create a buffer that goes far above the units. As Mr. Panico asked earlier, on top of this is a tree plane and these are going to be mature trees, 6-8 foot trees; they aren't going to put in small trees to start with. They are putting in substantial trees with the fence behind that wall so there will be an adequate screening between here and there. Mr. Hughes stated that they are not reducing any business opportunities, if they were, Latex wouldn't be doing this. Latex had a fire and some other issues. This helps Latex and it doesn't hurt Latex. He reiterated that it helps Latex which helps everybody else.

Mr. Hughes indicated that they will have this when they meet with Rick Schultz and Staff, have their reconstruction meetings, go through everything and will fulfill this according to plan as approved.

Chair Parkins asked about any conflicts that may exist with the neighbors that are there, she noticed in one of the aerial photos that the City Engineer provided, it appears that they park a lot of tractor trailers up on top in that area, at least that is what it looked like.

Mr. Hughes pointed out the location of their loading docks and they did, at one time, store some things in the corner but they have moved them out and store them over here now. He showed the location of their back building and they will be below it.

Chair Parkins provided the photo and commented that it was printed recently and asked if he could identify the items, maybe tractor trailers, on the photo.

Mr. Hughes looked at it and responded that it isn't there today.

Chair Parkins stated no, OK – it could just be an older Google map photo.

Mr. Hughes commented that he has been walking up there and hasn't seen anything but he'll have Dennis look at it.

Chair Parkins stated that she just wouldn't want to see any limitations on the business up above as a result of the residents living down below.

Mr. Hughes responded no, that is not the case. He stated that they have an agreement with the principals of Latex that they know exactly what is here. They have discussed it and nothing will be done that would interfere with their business – that is the bottom line.

Chair Parkins stated that she is more concerned about those residents coming to the city after (inaudible)...

Mr. Hughes responded no, they are going to be well aware that they are up against an active industrial building; it is a part of their public occupancy, the abutting use – you can't miss that building when you pull into the driveway, it is right there. He added that they are 60 feet away from the front doors and he pointed out their main building in the back.

Chair Parkins asked about the larger building closest to them, commenting that it looks as though there are several buildings on their site, according to this aerial photo...

Mr. Hughes responded that was all the main building.

Chair Parkins commented OK that was all the main building and asked what they do at the smaller building.

Mr. Hughes pointed out that building on his site plan.

Comm. Harger commented that it says "existing metal."

Mr. Hughes responded that he wasn't sure what they do. Another person (unidentified for the Applicant) responded that he believed it was for loading and unloading product and storage.

Chair Parkins asked if there were any further questions from the Commission.

Comm. Tickey stated he had a comment that piqued his interest from Mr. Harbinson. He commented that if that was the case that there were only three business days made available for the Conservation Commission to review this, that would be a concern to him too. He would be interested in finding out what that process is to ensure that the Conservation Commission or other Commissions that deal with these applications have an opportunity to look at them before coming to P&Z. He added that he knows that is usually the case and they usually get an opinion from the Conservation Commission and they don't have that tonight. He wants to make sure that in the future they give people an opportunity to look at these sorts of things.

Comm. Dickal agreed with that.

Chair Parkins commented that it does not help when City Hall is not open on Mondays. It makes it a short week for the Planning & Zoning department. With no further questions from this Commission, she asked for a motion to close the public hearing.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to close the public hearing for Application #14-24.

Chair Parkins requested that anyone in the public wishing to speak for Application #14-24 to please sign up on the sign in sheet at the podium. She asked the P&Z Secretary to read the Call of the Hearing for the next public hearing, Application #14-24.

APPLICATION #14-24: PETITION OF S&G OF SHELTON, LLC FOR PDD ZONE CHANGE, INITIAL DEVELOPMENT CONCEPT PLANS (26 UNIT CLUSTER RESIDENTIAL DEVELOPMENT) AND APPROVAL OF REVISION TO LAND USE CATEGORY OF THE POCD, 88 AND 94 PERRY HILL AVENUE (MAP 116, LOTS 37 AND 38), R-2/R-1 DISTRICTS

Comm. Harger read the Call of the Hearing and two pieces of applicable correspondence.

***See attached correspondence dated 10/28/14 addressed to Richard Schultz, P&Z from Robert Kulacz, City Engineer.**

***See attached correspondence dated 10/28/14 addressed to Richard Schultz, P&Z from James M. Tortora, Fire Marshal.**

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission representing the Applicant. Atty. Thomas began with his contribution to the sustaining of the United States Postal Service and he submitted the notices. He presented their Notice Map which is their Assessor's Map highlighted with the individuals given notice, the photographs of the posting facing the street and the notices, all but four were received. He added that one was returned with the word "deceased" written on it, he added that he has never had that happen in all his years doing this. There are extra copies of the Notice Map if the Commission would like them.

Atty. Thomas commented that before turning the presentation over to the technical people involved he wanted to make a couple of points. He noticed in the Call of the Hearing there was a reference to modifying the POCD and he heard the words "multi-family." He stressed that this is a property, actually two properties, and it is actually two properties in a split zone. The zones are R-2 and R-1. R-1 as identified in one of the reports is a 40,000 square foot zoning requirement and the R-2 is a 20,000 square foot zoning requirement. This proposal is in an area that has residential, obviously; it is across the street from what would be described as a commercial entity, the Highland Golf Course. It is a golf course that is substantially across the street from it and also a neighbor, a few of the holes are right down the road. As they will see from the Traffic Report and from the maps to be presented, there is also an elementary school in the area. As such, the area is what you'd consider in Section 34, a transitional zone, but the proposal here is to remain as the POCD recommends, residential, and in fact, to remain single-family residential but to propose what would be a cluster development of single-family residential with certain restrictions as has been proposed in the past in similar proposals with no swing sets, no pools and geared more toward the empty-nester type of individual without it being age restricted.

Atty. Thomas stated that it was not a situation where they were taking a residential area and changing the uses. The uses are remaining the same and it is not a situation where they are coming into this and proposing a residential that is multi-family. They are staying with the single family concept. He thinks the proposal is for there to be a homeowner's association but he thinks there is also a proposal where there would be individual lots with the ownership of the property. The property would have private roads and in response to one of the comments made in the City Engineer's Report, which they received this afternoon, there would be private waste pick-up. It is not a situation where waste pickup would be in accordance with the public pickup which has those trucks with the arms on them.

Atty. Thomas stated that they will have a presentation from the engineer on the project, James Swift, who will discuss the engineering issues and respond to some of the reports. Also, they will have a Traffic Study and David Sullivan will present the traffic study and copies will be passed out. He told the Commissioners that they received the Fire Marshal's Report, which is a positive report, this afternoon. They attempted to call him to clarify a couple of points. He has done this quite often and read a lot of reports. The reason that they were calling was to clarify a generic statement that he's seen in a lot of commercial projects that he's done that "driveways are to be fire lanes." Atty. Thomas noted that you are not supposed to park in fire lanes but these are residential homes so the driveway that (inaudible) people park in front of their garage;

therefore, they were calling him up for a clarification on that point. He's sure there is a reasonable explanation for it; however, it did not make sense in the context of this project.

Secondly, he commented that the Fire Marshal's report talks about turnouts for the largest type of emergency vehicles. This is a single family residential home – they should have received the 11 x 17 of the architectural. The architectural was a part of the plans. They aren't very large houses so fire fighting these houses as normally would be done by pumpers. They aren't going to have the aerial unit that fights higher fires in there. Again, they called him for clarification; unfortunately, they did not receive a response back. With that, he turned the presentation over to Jim Swift to review the engineering portion of the project.

Comm. Osak requested to ask a question.

Chair Parkins responded yes.

Comm. Osak asked Atty. Thomas about his use of the word "cluster development" and if that was correct.

Atty. Thomas responded yes, he said that.

Comm. Osak stated that in the language of land use, cluster development usually means putting houses on smaller lots to create an open space area of non-buildable land for a recreational, passive nature. He asked if any of that was in this project.

Atty. Thomas responded that he thinks that Mr. Swift will address that and yes there is a wetlands area that is protected and surrounded by the houses. He will go back through it once Mr. Swift makes his presentation with respect to that issue of the area that is preserved.

Comm. Osak asked if it would fit the normal definition of what cluster really means.

Atty. Thomas responded that cluster can mean many things. It can protect open space, it can protect certain natural features, it can protect wetlands – one of things, frankly, in addressing that – although the Land Use Seminar wasn't held this year – but the large, national Land Use Seminar discussion – to be honest – large scale zoning of three, four and five bedroom homes is not what is normally considered appropriate. For instance, it is very easy for a Commission to look at a one acre lot and say they'll have one acre lots and wetlands that you're not going to be able to encroach or build on. When you have a subdivision that is one acre or two acre zoning and have a regular approved subdivision and you give the people the right to that, he can guarantee you that even Shelton which has a greater Staff than smaller communities, has no ability to see when those people are encroaching upon a wetlands area. So when you do cluster development, and he will grant you that there is the argument that you are getting more homes in than if you would if you laid it out in some form of a conventional subdivision, but you are also better defining open space, wetlands, a ridge line or a forest – you are better defining it in that situation; therefore, much better able to preserve it.

Comm. Osak asked if this was a PDD cluster...

Atty. Thomas responded yes.

Comm. Osak asked if it was one on top of another.

Atty. Thomas responded it is a PDD – the proposal in the Planned Development District is for a cluster development of single family homes.

Comm. Osak commented OK and the area that is proposed is currently in an R-1 and R-2 zone.

Atty. Thomas responded correct and the abutter - and they will see and it will be pointed out, there is an issue with respect to a 20 foot strip.

Comm. Osak asked what the reason was for going to a PDD instead of staying with an R-1 or an R-2.

Atty. Thomas responded that you will get more homes for the developer and that is something that is stated up front and then the entire project can be private so it has less burden on the town with respect to that. Also, the design, especially in Shelton and this Commission has been through several such Commissions, and as matter of fact during the Hawk's Ridge proposal, a substantial presentation was made on the issue of school children and the fact that these types of projects generate negligible numbers of school children because of the design of the types of homes. Secondly, they are smaller lots with restrictions as to pools and...

Comm. Osak commented that one of the options is that they could do a private enterprise with its own streets on an R-1 and an R-2 zone standard, if you chose to do it.

Atty. Thomas responded that he isn't sure if Shelton has a private road ordinance with respect to that, but he supposes that if they did, one could do something (inaudible)...Certain towns have the ability to do subdivisions on private roads, they usually give some form of an enhancement. There is also your PRD proposal. In this case, the vehicle chosen, because of the transitional zone...

Comm. Osak asked if the ensuing presentation shows how many housing units you get with what is being presented now as opposed to what you would get if you used a zone that was in place, R-1 and R-2.

Atty. Thomas responded that he is looking to Mr. Swift to do that...

Chair Parkins commented that at this point she would like to let the Applicant proceed with his presentation and maybe Comm. Osak's questions will be answered as they go along; if not, he can re-ask them.

Mr. James Swift, P.E. and Licensed Landscape Architect, Shelton addressed the Commission. He provided an aerial view of the proposed site and indicated that it was 13.45 acres and it is made up of two separate parcels. He pointed out the two existing houses on Perry Hill Road that exist on those two parcels. He added that they also have a little strip of frontage on Walnut Avenue and the adjoiners to the east, and the portion of Highland Golf Club. Moving along the south line, he pointed out the location of the old Block Farm Slaughter House, an old commercial development there which also happens is being developed by the same Applicant who is proposing this development.

Mr. Swift stated that next to that on the south is a standard, single-family development acre lots but with significant wetlands down in this area which is why they will see that it is undeveloped. Primarily, it is wetlands area and restricted land area so this area is deeded for non-development in the future.

Mr. Swift indicated that in the west they have one house adjoining them with a long, thin lot that goes all the way down the back of their property so this is a single owner, single lot with a house toward the front. On the site map, he showed the vicinity where the R-1 and R-2 zone line passes. He explained that the houses adjoining them up on Walnut Avenue range anywhere from a little bit more than 20,000 square feet to a little bit less than 20,000 square feet so they are the average of the R-2 zone lot of 1/2 acre.

Mr. Swift provided another rendering of the proposed development of 26 single dwelling units on fee simple lots. They are free-standing one dwelling per building and located on a private road. There is no responsibility for the City inside this development for any maintenance or anything of that sort.

Mr. Swift showed the main entry which is logically placed off of Perry Hill Road, a street that comes in with a cul-de-sac. He will discuss a little bit more about the dead ends later. He indicated that Gabriella Lane would come to here with a gate. They are proposing an emergency vehicle access out to Walnut Avenue. He commented that when talking about vehicular access through the site, they feel it is better to keep the traffic that they have there out to Perry Hill Avenue. He showed the area where Walnut Avenue is a little bit rough and would require some disturbance up in that area to reconstruct that. In effect they have, as far as emergency vehicles,

is a full flow through Gabriella Lane, throughout Walnut Avenue and a full emergency vehicle access down to this cul-de-sac. He indicated that incidentally, this cul-de-sac is slightly larger in radius than a standard subdivision cul-de-sac. As far as the accommodation of emergency vehicles goes, this is slightly larger than the common subdivision cul-de-sac. He will discuss this again when he goes through the Fire Marshal's letter about things that can happen there.

As far as Sophia's Lane, the length of Sophia's Lane, granted it does not have a cul-de-sac but it is no longer than you would find on some common driveways in a standard subdivision. It is only about 150 to 200 feet, not a great distance for emergency personnel or vehicles to pull a hose out or anything like that. Through some of their previous conversations with Staff, they tried to spin some of these houses so that they could minimize any units that would face on that sort of a short area. He pointed out Lot #20 that now points out to the main road. They added another short road to access a few lots in another location. In that case they went with a common subdivision concept of putting it in as though it were a couple of rear lots. It goes back to the principle, when it comes to emergency vehicles, rear lots are a fact of life and they are common. These are typical of what you could find in a regular subdivision.

Mr. Swift commented about what they were doing along the area with neighbors on Walnut Avenue, these are older houses built before Zoning was quite so strict. He commented that many of the structures get quite close to the back line. They are trying to be sensitive to that and they are providing a strip there – colored in white – and their intention is to offer that to the adjoining as fee simple to deed that to the owners if they would like. They have had some preliminary conversations but they can't report any final disposition on that but in any case, whether that land is deeded to an adjoining land owner or it is kept by the development, that 20 feet will be an undeveloped buffer type of an area. It extends all the way for another 20 feet to Gabriella Lane and Sylvester's Way in these two sections. Basically what they are doing is keeping all of their housing developments on this south side of the road with the exception of House #25 which has a more standard, more common type of relationship with adjoining property owners.

Mr. Swift showed that as they come to the corner, there is an existing barn that is on the subject property. It was expressed by some of the adjoining that they would like to see that barn kept there. In working with their neighbors, they intend to deed this square to the adjoining property owner. It should have no effect on their property; they don't have anything near that area. They are happy to do that sort of thing.

Mr. Swift indicated that the existing house which is really the sellers of the property and that individual would like to live in that house and keep it. Although it is a part of the PDD because it is 32,000 square feet, it will be separate from the Association.

In regard to the Association and as Atty. Thomas mentioned, Mr. Swift stated that in doing a development such as this with very small lots, about 6,000 square feet, they will need a strong Association. It is needed with the private nature of the roadways. It is easier to keep control of what is going on there as Atty. Thomas mentioned in regard to not putting pools, swing sets, etc. there.

In regard to the existing house, he reiterated that it would not be a part of the Association proper; only the 26 new structures would be a part of the Association. He reiterated that Staff, in an effort to reduce the driveways down to Perry Hill Road, they agreed to take one driveway (he showed the driveway on the plan) and bring it onto their property and that particular home would have a private easement over that driveway.

Mr. Swift explained that the way the property breaks out, about half of the property, maybe a little bit less, is going to end up in common open space. He showed areas where there are wetlands shown in a darker green color on the site plan. The remainder is common open space so it will be controlled by the Association and it's not quite half of the property area of the site.

Mr. Swift stated that as far as the cluster concept, the way that this is done – cluster concepts work for a couple of reasons. In this case primarily it is environmental. They have wetlands, a main watercourse coming through; obviously, they get the bonus of units but had this been developed as a standard subdivision what you would have is a lot more disturbance and take up all of the property and have no common open space for the property. He doesn't have a

preliminary subdivision drawing for them to see but he can tell them that from what was discussed was to bring a road that came in and basically bisected the property with a single cul-de-sac. They were getting somewhere between 11 or 12 lots of the standard subdivision as a best estimate without actually getting the approvals. It is doable from a regulatory provision because the road would come in, cross wetland, and not to speak for Inland Wetlands Commission, but generally they understand that when talking about access roads, as long as you aren't filling a well in to build a house, you can cross a wetland to actually build a road. If they were to build their 11 or 12 houses in a common subdivision through here, it would bisect the land; there would be no open space. They would be 4 or 5 bedroom houses with plenty of room for pools and things like that.

He continued that as Atty. Thomas stated, generally you are going to have quite a few more school children in a development like that as well as responsibilities that the town would have to pay for including road maintenance and things of that sort. The cluster concept, he thinks, in this instance is more for getting some open space; some undeveloped land and putting the construction where the topography and the land can best support it.

Atty. Thomas added that he wanted to make another point on the site map. He showed the location of the zone line and stated that it would not be that common if a client came to him and wanted an R-1 subdivision. It would not be uncommon in a split zone piece of property to approach the Commission with the fact that they have a split zone and they basically have R-2 sized lots up here and don't have R-1 type subdivisions next to it – take the R-2 line and drop it to here. That would be more appropriate and more compatible with what is above it and develop it as an R-2 subdivision which would probably increase it to about 20 lots or something in that neighborhood. They could look at as the difference between 11 conventional or 26 or look at the fact that what is below it and what is above, an application could be made to drop the zone line and do an R-2 subdivision.

Mr. Swift indicated that he would discuss some more technical things. He mentioned that the Inland Wetlands Commission received this, had several meetings on it, and this plan is approved by the Inland Wetlands Commission as they see it right now. He commented that was worth noting because there are a lot of issues with grading and things like that.

Basically, the site drains from the north side to the south side and they have a few valleys. He showed where a main watercourse comes through, a perennial water course which means that there is water flowing through it year round and it never dries up. It is unnamed from this tributary to the Bearing Ground Brook and to the City Engineer's point, it is important. He concurred that storm water management is important in this project. He pointed out the blue lines which are water conduit pipes that basically collect all the roads, all the units with the exception of a few back shed lines, but they are taking all the water from the entire development and getting it into two detention ponds (he showed their location on the map) and then discharging through.

Mr. Swift stated for the record that the post development peak run-off rate for the 2 – 100 year storm is less than those same storm events pre-development so that is the purpose of those detention ponds.

He stated that the sewer exists on the site and he showed where the existing sewer line comes down through the property and out toward the front. He indicated that the darker red lines shown are sanitary sewer that they will be constructing which will tie into the existing sewer. He reiterated for the record that it is a municipal system project. Water is going to be provided by Aquarion Water Company which now currently exists up in Walnut Avenue and he showed its location at that intersection. He indicated that they are working with Aquarion to find the most efficient way to get that water down.

Mr. Swift indicated that they have worked out the technicalities for the grading. In general there is not a lot of mass grading for this site; the way that he likes to perform a design is to put the houses in first so that the backyards and what happens behind the houses is that there is not a lot of disturbance and then what happens between the houses and the road has to be what is has to be to minimize the disturbance. He showed an area down below all of the houses and explained that the parallel lines are contour lines. There aren't a lot down in there except where there is a

detention pond because they are basically on grade. The Wetlands Commission was very happy with that because that is where a lot of the wetlands impact would be.

Mr. Swift stated that the only deep cuts that they have on this site is a little bit in the corner which is probably a 10-12 foot rock cut, assuming that there is rock there. They can never promise that there won't be any blasting in a development like this but generally most of these things are on grade. He showed an area where there perhaps might be some rock excavation in the corners and foundations but they aren't talking about any large, mass areas of excavation for any depth at all.

He commented that soil erosion control is always a concern for both this Commission and Inland Wetlands. It has been gone over pretty well by them in good detail because a lot of their wetlands are downhill from the development. In short, the scheme is to excavate the two detention ponds first and use those as temporary ponds, give them a lot of protection and a little bit of extra depth and use those to control and discharge clean water after that. They are ensuring that the water actually gets to those areas by all of their downhill lines where they actually dig a trench backed up by a berm on the other side. They aren't depending upon just a line of filter fabric fence to bring their water down to these detention ponds. There are actual ditches that get the water there. He showed the locations on the site plan. The erosion control plan as it stands is fairly detailed with a very specific construction sequence that goes along with it.

After they perform these original setups of these things then it is a matter of making sure that they remain in operating condition. Rich Schultz and John Cook are very good about keeping on top of those things; they go out and visit these sites regularly.

Mr. Swift discussed landscaping and indicated that on a project like this is fairly conceptual at this point but he stated that he would review highlights. He showed a strip between their property and the R-2 zone up above, and stated that, not just because it is R-2 but specifically because they have some of these structures which are fairly close to the line. He reiterated that is why they have gone to a lot of pains about putting any units or any construction of that sort too near those areas. The wide areas are up for discussion as to whether they deed those to the adjoining, if they would like that property but; if not, it will in no case be for use in development and it will revert back into the common open space. It will be heavily buffered with evergreens and that sort of thing. Whenever they find existing vegetation it will stay, they will save that. He showed areas on the plan where they will provide a good, strong buffer along the line where two existing houses can be seen.

Mr. Swift stated that there are quite a few locations in these intermittent areas that they will be able to save the existing vegetation. Also, in the front they have a buffering to the existing house, some good buffering along Perry Hill Road which will be necessary but they will be much higher than Perry Hill Road until they get to this driveway where it slopes. They have an obligation as a part of their Inland Wetlands approval process. Some of the frontage areas where the horse fields are still kept, they have an obligation to monitor those as they revert from pasture up to forest land. They will go in and keep evasive species out and that sort of thing and keep everything good and healthy.

Mr. Swift commented that in some areas where they did come in fairly close to the Inland Wetlands, they have an obligation to Inland Wetlands on a case by case basis with the houses to plant buffer plantings and mitigation planting which should be native plants friendly to area wetlands.

At this point, Mr. Swift wanted to address the two letters submitted to the record. He would first discuss the City Engineer's letter.

Chair Parkins asked Mr. Swift to answer a quick question before beginning that discussion. She asked if that strip is deeded to the abutting land owners, will there be a conservation covenant included in that or will the land become theirs to do with what they want such as clear, or move structures closer to the boundary, etc.

Mr. Swift responded that these structures are fairly close to the existing line and he doesn't think that they could build a lot closer to the line by zoning requirements.

Chair Parkins commented that they could get a variance.

Mr. Swift responded yes, they could get a variance but having said that, he doesn't see them using that land because of zoning restrictions.

Atty. Thomas added that they wouldn't have any problem getting into a Conservation Easement on it but he can't tell them right now for sure whether or not...he checked the surveyor and none of the buildings encroach on the property. Whether or not somebody's backyard encroaches on the property isn't anything he could say right now and he's doesn't know. Theoretically, right here somebody could clear behind this which would be clearing on the property. When the client asked me about a Conservation Easement, they discussed various options and one of the points he made was that a Conservation Easement is something that is given to the City of Shelton and the property owner retains the ownership of the property. If somebody is encroaching with their yard, they then wouldn't be in violation of the Conservation Easement, if they were out there mowing the lawn, if it was lawn. They would have to really make sure what it was. The other misconception that people often have is that if they give them a piece of property then the Assessor is going to increase their taxes. He commented that he doesn't think the Assessor is that desperate for money here but a building lot is a building lot and, if you are adding that small portion of property you should not be assessed any further tax assessment. Certainly, if it were a situation where the people wanted that so that they could have their own buffer, clearly they can put some restrictions on it, covenants on it that would prevent them from getting variances to put structures in there while still allowing them to put plantings in there – or something of that nature. Atty. Thomas indicated that would be the approach; it is a little bit more complicated than saying that they will lay a Conservation Easement over it.

Chair Parkins responded thank you.

End of Tape 1B, 8:40 p.m.

Mr. Swift indicated that he was looking at the City Engineer's letter of October 28th and his first paragraph deals with the issue of increased run-off and the importance of maintaining and the Association maintaining it. He stated that they agree and he doesn't think there is anything that they could add to that.

In regard to the traffic circulation, Mr. Swift commented that was a little bit of a different story. He said that he disagrees a little bit, primarily because, they aren't creating the dead ends that he thinks are implied there. For emergency vehicles, he showed on the plan where there is thru traffic through one area and he commented that the cul-de-sac is larger than the standard subdivision. He pointed out another location where there is emergency vehicle thru traffic. He reiterated that the length of this driveway and this other driveway are no different than what you would find in a rear lot and even in a front lot in a standard subdivision. He commented that he trusts the P&Z Commission to address that.

Mr. Swift responded to a comment regarding "adequate sight line for the proposed driveway," and stated that their Traffic Engineer would get into that more but they did check the sight line. He referenced a great big, beautiful wall that was installed in one area that some of the Commission may be familiar with along one area and which they would like to keep because it is on their property, but it has to be taken down. They will build their sight line through there and landscape it properly. He stated again that the City Engineer is correct and they will have to (inaudible) that wall.

Mr. Swift stated that the issue of the dead-ends and the emergency and solid waste vehicles which he and Atty. Thomas have addressed in that it will be private here so the standard City trucks don't have to maneuver through here. It will be private collection and they believe it works.

As far as the Fire Marshal's letter, he thinks that they misunderstand one of his paragraphs because he states that "all driveways are considered fire lanes that should be marked and

maintained in accordance with City ordinances and applications.” Mr. Swift stated that they are calling these private roads and he thinks that the Fire Marshal is calling them driveways. He indicated that what they are providing for parking for visitors in every single unit seen here is set back 24 feet from the face of the curb line. They are building into this project, two visitor spaces in front of every single garage, so in effect, there are 2 units per 26 but also 2 visitor parking spaces per 26. They checked around a bit if there should be visitor parking aside from that and there are areas that, at the Commission’s discretion, that they could put in without falling afoul of the Wetlands Commission or anyone like that. He showed a few locations where they could add a few spaces here and there. He added that it was not an issue, and if the Commission thinks about it and would like to see some visitor parking of that nature, it isn’t difficult to do.

The fire hydrants are shown on the plan; obviously, they need to be verified with the Fire Marshal and the Fire Chief. Mr. Swift commented that they would double-check the radius of this and double-check with the Fire Marshal that he is saying what they think he is saying here and whether it meets the requirements of the fire apparatus. They will see if it needs to be slightly bigger for the Fire Marshal; they have some room to move around, particularly in Lot #20.

Mr. Swift indicated that his last comment was in regard to the method of securing the emergency gate at the end of Gabriella Lane which needs his approval and they certainly agree with that.

Atty. Thomas stated that the reason that the emergency gate is at the end of Gabriella Lane and not out here is because this property here, adjacent to it has an easement...in other words, their driveway is going to be improved as a part of this project to be an appropriate driveway. The gate won’t be out there because those people have to access so the gate won’t be at that point.

Atty. Thomas asked if the Commission wanted to go straight through to Dave Sullivan or if they wanted to stop and ask Mr. Swift questions.

Chair Parkins asked the other commissioners if they wanted to ask questions before moving to the next topic.

Comm. Pogoda responded yes, he has some questions.

Atty. Thomas indicated that he forgot that even though he represented the client as the contract owner, he submitted the original authorization from the owners of the property for the record, to file the application.

Comm. Pogoda asked about Sophia Lane and what happens with delivery vehicles such as UPS, FedEx, or larger vehicles possibly working at the house and where the turnaround would be at the end of that street. The street is about 150 feet and that is a long way for someone to back out.

Mr. Swift responded that he didn’t think that 150 feet was particularly that long. If you are talking about UPS, they are probably just going to drive up, back down and drive around the cul-de-sac.

Comm. Pogoda stated that is not a particularly safe venue, particularly in the wintertime.

Mr. Swift responded that if they wanted to park at the cul-de-sac, again, it is - he thinks that is even less 150 feet. He measured it as approximately 100 feet to one of the front doors. UPS will park on the street and walk 100 feet to someone’s front door.

Comm. Pogoda responded no, not necessarily.

Atty. Thomas commented that they are missing something, UPS is not going to deliver in a semi. They will have their brown box truck and drive into the driveway, like they drive into his driveway in Woodbridge. They will pull into the driveway, back out of the driveway and drive out.

Comm. Pogoda responded that they aren’t talking about a home like that – it is a different thing. He stated that he lives in a development and not one truck comes into a driveway. He goes down

the street, does his turn-around on a cul-de-sac on the street. He does not pull into driveways. They aren't talking about regular homes – that is the first thing. Secondly, his other comment is that three visitor spots are not enough. Even if the driveway consists of two additional cars, he has two additional cars in front of his house, and when he has a party he could have 15 cars parking on the street. He asked where they are going to go. Each road in their traffic system/roadways all have to allow for emergency vehicles. He asked where they would park if they have a party. Even with the amount of visitor spaces that he has in his development, it is not enough – three is definitely not enough.

Mr. Swift indicated that if he was talking about a larger truck, a commercial truck or a moving van – a moving van would come up, go to any individual unit and they are certainly going to be allowed to leave via the emergency access.

Comm. Pogoda responded OK.

Mr. Swift stated that as you come down here, this cul-de-sac is a little bit larger than your standard subdivision cul-de-sac, so a moving van is not going to have any more trouble getting in here than in any other subdivision that they've done in Shelton for however long. If that moving van is trying to get to one of these four houses, it may be that he'll come in, pull in and back out and do some maneuvering. So if he is talking about one of these three units and the moving van than...

Comm. Pogoda commented he understands that would be once in a blue moon.

Mr. Swift stated that he's not sure if it is a completely different than the case of a completely isolated rear lot somewhere in Shelton with a 250 foot drive that is 18 feet wide or something like that. A moving van is going to park in the street and make the hike or he will pull in, and as many of these drivers do, they will maneuver their way out. He reiterated that they can figure it out.

In regard to his second question, Mr. Swift stated that they didn't think it was out of the question that the Commission would be interested, even though they have two visitor spaces in effect per unit, it is easy to provide one of the standards that this Commission has looked at in the past, one visitor space per unit – that has not been uncommon in the past. They have plenty of places to add those in. A case in point is that he was not involved in some of the more recent projects of this nature but involved in the one off of Old Stratford Road, Wellspring Estates, and that was a similar situation. It was deemed important by the Commission in the Detailed Development Plans, they have plenty of places where they could put 3 or 4 more visitor spaces in many different spots throughout the site. He added that they can accomplish that if the Commission would like to see it.

Comm. Pogoda responded that he is speaking from experience at his residence. He knows that some people have three vehicles and he isn't talking about families with kids there. He added that he has three vehicles. He was able to get a notch out on the side of his garage but still if company comes, they will park in his driveway but if visitors or family members come for a couple of days or if they have a party function...he reiterated that his opinion is that you need to have visitor spaces. He stated it was just his opinion.

Mr. Swift responded that they can accomplish that.

Chair Parkins asked if anyone else had questions before moving on to the Traffic Report.

Comm. Harger asked for a bedroom count. She asked how many two bedrooms, how many have three bedrooms, etc. She added that they weren't identified on the plans.

Mr. Swift responded that the names are identified on the full set of plans.

Chair Parkins responded that it was not on the drawings here.

Atty. Thomas responded that there were no 11x17's in the submission of the architectural plans so this afternoon these were emailed to him. In his email, the attachment was labeled for each

one. He printed them out, copied them but didn't realize they weren't labeled on the piece of paper. He didn't have the time redo it. He thinks he could identify it from the piece of paper but the Developer is here and he could identify each one. He asked if the Commission would like to do that before the Traffic Report.

Comm. Harger responded just as long as it is covered.

Atty. Thomas stated that it was a part of the presentation.

Mr. Swift added that the full size sets that were submitted for the record do have the names of those units on it.

Atty. Thomas indicated that there are four types of units which are geared toward the topography of the land (inaudible)...

Mr. Swift asked Comm. Harger if she would like a brief explanation of the units.

Comm. Harger responded sure.

Mr. Swift stated that they have four different architectural units that they are contemplating for the site. To give a little bit of variety, he believes that two of the units are two-bedroom units and two of the units are three-bedroom units. Because these are a fee simple sort of a situation where they aren't sure about market movement and things like that, what they did was to put it in here in a conceptual way. As he recalls, what they did in some of the past projects, subdivisions require individual site plan approvals and that is when they will be able to say which unit will be built on that site and Staff reviews it for that purpose. As it is distributed now, it is somewhere in the neighborhood of half 2-bedroom units and half 3-bedroom units. Again it is a market driven type of thing. To give full disclosure, they have submitted to the WPCA for approval of this project and given the sewers they don't expect a problem with it, the maximum possible sanitary sewer discharge that they are giving for this site is if these were all three-bedroom units. That does not mean, by any means, that they intend to do these as all three bedroom units but to give WPCA the maximum possible.

Chair Parkins asked if he said that they have three different unit types.

Mr. Swift responded four types.

Atty. Thomas asked if they would like to discuss that before the traffic so the Developer (inaudible) the sheets you got.

Chair Parkins asked him to just tell them how many bedrooms there are for each unit. She asked how many in Walnut, Belmont, Carlyle and Dogwood. There are four styles of houses and she asked how many were two bedroom and how many were three bedroom. She asked if they knew.

Mr. Swift commented that they have a full set of drawings here.

Chair Parkins stated that the names are on there but (inaudible)...

Comm. Pogoda commented that they don't know which ones were which.

Chair Parkins added that they don't know how they correspond.

Mr. Swift responded that the full set of drawings on these plans (inaudible)...

Ben Perry, 689 Long Hill Avenue, Shelton representing S&G Development addressed the Commission. He offered to provide the architectural plans with the names on them.

Chair Parkins referenced the drawings and the labels for Walnut, Belmont, etc. and said that they had them.

Atty. Thomas stated that what they are referring to is that there are architectural plans in the full set that actually have the names on them.

(inaudible comments— paper crunching)...

Comm. Pogoda stated that Walnut is two bedrooms. Dogwood is two-bedroom.

Chair Parkins stated that it says two bedroom plus loft.

Comm. Pogoda indicated the Belmont is three bedrooms. Carlyle is three bedrooms because there is no master on the first floor.

Chair Parkins reiterated that the Belmont and the Carlyle are three-bedroom, Walnut is two-bedroom and Dogwood is two bedrooms plus a loft.

Mr. Panico added that one of the two-bedrooms has a ground floor master bedroom and the other ground floor master bedroom units is a three bedroom.

Mr. Perry apologized for the confusion.

Chair Parkins stated that the Commission was ready move on to the Traffic Study for now.

Atty. Thomas introduced Dave Sullivan and distributed copies of the Traffic Report to the Commissioners.

David Sullivan, P.E., Manager of Traffic Engineering, Milone & MacBroom, 99 Realty Drive, Cheshire, CT addressed the Commission. Mr. Sullivan commented that they were asked to look at the traffic characteristics and potential impacts of the post development primarily having to do with safety of service and operations. There were three main things that the report addresses which he will briefly go over. The basis for their study was the basic data. They put an automatic traffic recorder count out on Perry Hill Road which gave them hourly volumes by direction, speed and characteristics of the type of traffic (trucks, cars, etc.).

Mr. Sullivan stated that the first part of this was to determine what the level of service would be at the proposed driveway, the generated traffic for the development through the Transportation Engineer's statistics for single-family homes and assign that traffic to Perry Hill Road, analyze the intersection for morning and afternoon commuter peak hours to determine what the levels of service would be. Mr. Sullivan indicated that what they found was that operationally it would operate at a Level of Service A or B turning into or out of the development off of Perry Hill Road.

Secondly, he indicated that they looked at the actual geometry of the driveway. In this particular case they made a couple of recommendations which are in the report having to do with the turning radii. They recommended a slight increase from what was shown on these preliminary plans, primarily because of the raised median shown on the driveway. They wanted to be sure that SU trucks would be able to enter and exit without encroachment over that island. He reiterated that was one of their recommendations. He commented that other than that the geometry was fine.

Mr. Sullivan indicated that the third thing and probably the most interesting thing in this particular study was an evaluation of the sight lines. He says that it is interesting because there are a couple of ways that you can do these. One is if you have topographic mapping, (inaudible), they could do profiles and you could look at what the future (inaudible) and what that might or could be.

Mr. Sullivan stated that the second way you could do them is the more typical way for a smaller project by going out in the field, looking at what the sight lines are and pretty much you can get a good handle on it. In this particular case, it is difficult to go out there and see what the sight lines were in the field because, obviously, there is a large retaining wall that blocks it in one direction. It was a little bit of an interesting process. They were able to establish what they thought were the parameters going into here. The posted speed limit at 25 mph requires about

280 feet of sight line. The speed limit that they calculated with the automatic traffic recorder count had an 85th percentile speed of somewhere between 34 and 35 mph. He added that was about 10 mph over; it is a little bit higher than typical but that is the 85th percentile speed. In the State's lingo that would be their desirable, that is their standard that they would like to achieve if they could. They made an estimate, used some planimetric mapping, went out in the field, stood on hills and looked around the corners, moved bushes out of the way and they came to the conclusion and it is fairly certain that you can get sight lines for 5 mph over the speed limit at least. He says "at least" because there is some curvature in the road and outside of that curvature there is some roadside growth and they don't know how far the town right-of-way goes. They know that they can get 5mp or better over that; their recommendation is to establish what the town's right-of-way is and, where possible, eliminate the (inaudible) road and improve it. He thinks that they could probably get up to the 85th which is the standard that they would like to get to under a perfect scenario. A comfortable 30 mph + is achievable and they would be satisfied with it.

Mr. Sullivan concluded no impact, some recommendations on geometry , and some recommendations on sight lines.

Chair Parkins asked if they did any visual surveillance of the emergency vehicles that fly down that road.

Mr. Sullivan responded that he did not see any emergency vehicles.

Chair Parkins indicated that she's sure that they clocked at more than 35 mph.

Mr. Sullivan responded that they would be in the 15th percentile.

Comm. Harger asked about the bottom of the first page of his Traffic Report that discusses Accident History and seven accidents occurring in the time frame of two years. It states that six resulted in property damage – she asked if that was referring to cars and personal property but not land property.

Mr. Sullivan responded correct.

Comm. Harger asked if any of the vehicle incidents involved school buses.

Mr. Sullivan responded that he did not know. He added that he knows of only one accident that was in the vicinity of the school on all of Perry Hill Road but he doesn't 't have that level of detail.

Chair Parkins asked if seven accidents occurred during a two year period.

Mr. Sullivan responded three years. This is the State's database so if it was a fender bender with \$100 worth of damage, it may not be in here. There is a certain threshold by which it gets reported to the State's database.

Comm. Harger commented that it is definitely a road that the Shelton Police do (inaudible) traffic counts...there's a school down below.

Chair Parkins asked if seven accidents over a three year period was considered to be high for a road that doesn't really have any side roads or intersections – there is basically an intersection at the top and the bottom.

Mr. Sullivan responded that it had other intersections, private driveways, there is a significant number of intersections but it is only about a ½ mile stretch of road. The number of seven accidents is not a number that would alarm them but another thing they look at is if there is a particular pattern or cluster at a certain location. He indicated that they didn't find that. They found two accidents way over on the east side with a couple of side swipe accidents and that was the only common location.

Chair Parkins asked what they were considering as the east side.

Mr. Sullivan responded toward Bridgeport Avenue.

Comm. Harger commented about Page 2 Existing Traffic Volumes and Traffic Speeds. She indicated that they collected the data about a week ago and the amount of traffic for a 24 hour daily average was 3,870 vehicles. She added that she thought that was a lot of traffic.

Comm. Pogoda agreed that was a lot of traffic.

Chair Parkins stated that it was the main road, artery though from White Hills down to Bridgeport Avenue, if you need to get onto Route 8. It is the main road. She added that many people are making trips to bring kids to school there and going back.

Comm. Harger commented yes, but it is shocking to see it in print.

Chair Parkins asked if there were any other questions from the Commissioners for the Traffic Engineer.

Atty. Thomas commented that with that he would conclude their presentation. He stated that in conclusion he would like to address the thing that he addressed at the beginning which is the issue of this being a transitional zone and the type of residential uses. He stated that in Jim Swift's cover sheet of the Wide Set Plans(?) is what they call the general location thing and he thought it was important for the Commission to take a look at because up above here when you continue up Perry Hill Road, you have multi-family developments, condo projects up that way, the golf course here, an open area, more golf course and going down there is the school, and then you get into R-4 and even smaller lots in that area.

Atty. Thomas indicated that it was an area combined of various types of residential zones, various types of residential uses, the golf course would be considered commercial and the school would have to be considered public, so it is a myriad of types of zones and uses in there. Behind the school is what they call the Mas Property where Constitution Boulevard would go, and being that it is split zone it could easily be viewed as an R-2 type property. The R-1 is a relatively small area as it goes along Perry Hill. He stated that he believes this will fit and actually it is not necessarily that big of a change in the future plan use area because it is keeping with single family dwellings. With that, Atty. Thomas concluded and stated that they would leave it up to the Commission's discretion. He believes that they have presented everything and they are comfortable if the Commission closes the public hearing.

Chair Parkins stated that she would like to open this up to the public soon because it is getting late and these people in the audience have been waiting patiently here. The other Commissioners agreed. She stated that if anyone else wishes to speak, please come and sign the signup sheet in the front. She called the first name from the Sign-In Sheet for Application #14-24.

Frank DeAngelo, 11 Walnut Avenue, Shelton addressed the Commission. Mr. DeAngelo thanked the Applicant for the presentation and added that it was very informative. The only thing he wanted to say is that he knows what he did on the property down there. He did a great job on the Mas property. Everything looks good and the buildings look good, the engineering looks good. The only problem he has is that he thinks that they might be setting a precedent by removing the R-1 and R-2. He likes the project but he thinks that when they start counting the bedrooms and everything else, if you are going to keep it an R-1 and R-2, there would only be 15 or so houses but that is his beef.

Mr. DeAngelo stated that his only other comment is that being a career fire fighter for last 23 years, he would take the biggest truck that they have in Shelton, put it on those streets, make them run and do it at night when the cars are on the side. He heard the Attorney say something before about it being the pumper but the pumper isn't the only truck that comes out. Pumpers make a road (inaudible) going up Bridgeport Avenue but the first truck coming in is that big ladder truck and if that thing has to swing around, back around and your kid is hanging out the window...He thanked the Commission.

Bill Dyer, 12 Beverly Lane, Shelton addressed the Commission. Mr. Dyer commented that in his opinion, if there was ever a piece of property that did not meet the requirements of the PDD,

this is it. If this is allowed to be a PDD, whoever in Shelton is going to do a subdivision, why would they? You would get 11 units with a subdivision but you'd get 26 units with a PDD. With a PDD there is no 10% set aside State mandated; for a subdivision you have to have 10%. The Far Mill project, Mill Street, was brought up and that project was cluster zoning but the City got more than 50% of the property as open space. In this project, the City gets nothing in Open Space and not even fee in lieu of. If this – whoever in the future is going to bother with a subdivision if all you have to do is come to P&Z Commission with a PDD and say that they want 26 units where they would otherwise only get 11 units. The City gets nothing but school kids. He thanked the Commission.

Rich Conklin, 1 Two House Lane, Shelton addressed the Commission. Mr. Conklin stated that his daughter lives on 26 Walnut Avenue and he is speaking for her tonight because she is working. He wanted to talk about something else - but what he heard from the speakers here has enlightened him somewhat – but one of the questions he had was about the 20 foot strip that it is going to be handled one way or another to the property owners probably or just stay where it is now. His question was about what it meant by “deeding it to the homeowners” and if money transpired during that process or is it no charge and the ownership goes to the Walnut Avenue people.

Mr. Conklin indicated that another question he had – and he sees this all the time because he has lived in Shelton since 1949 and he sees this happen a lot all over – when they talk about building this and that – everybody up in that area, he thinks, has a well and septic system. He asked, if there is going to be any blasting, and this was brought up, if it affects someone's well or septic system, then who is responsible for that and who determines who is responsible for that. Mr. Conklin concluded that those were his two questions.

Chair Parkins responded that she would share with him that they have a Blasting Ordinance in the town so the Fire Marshal is responsible for overseeing blasting.

Mr. Conklin responded thank you.

Ken Huzi, 84 Walnut Avenue, Shelton addressed the Commission. Mr. Huzi indicated that he was a life-long resident of Shelton. He commented that this proposal, this PDD is inconsistent with the City of Shelton Master Plan of Development and the long range planning. He stated that this town over the years has seen explosive growth with overutilization of zoning changes of which in this application a maximum of 11 houses would be permitted under the present ordinances. This has been specified by both the Attorney and also the Engineer.

Mr. Huzi commented that the City of Shelton Engineer even opposes this development for a whole list of reasons. Some of them were just addressed – partially addressed but not fully – and if they don't believe in their own Engineer than why do they even have him on the payroll. He goes and sends a note to everyone specifying specific items as in roads, run-off, and all kinds of issues that, unfortunately, we the taxpayers will get stuck with. What if everyone goes and leaves – he asked who sustains the private roads and who is to say that down the road that they won't want to become public and they are stuck with the burden.

Mr. Huzi commented about the substantial amount of wetlands there. He stated that he didn't want anyone to get him wrong because he is not against progress or against building. It is the landowner's responsibility and God-given right to maximize their profits but when it comes to the people in the town, the people who have been living here all of their lives, and they really don't agree with it, that is something that he hopes each one of the Commissioners takes into deep consideration.

Mr. Huzi indicated that he has made some notes but, unfortunately, over the last couple of weeks he has been working 7 days often 13 hours a day. Today he finally got a chance to break free and visit some various departments within the City of Shelton to find out more specifics. Thanks to the Shelton Herald, he thinks it was dated 7/23, the paper published an article about what we are seeing. When he spoke to a lot of his neighbors, especially the one right where that emergency exit is, he asked them if they knew about this and they said no.

Mr. Huzi indicated that he wants to share with them that in the two hours after he left City Hall today, he approached residents coming up Perry Hill Road (4 new houses on the left side going up the hill and then by this proposed development). He spoke to one of the residents there and they are not in favor of this proposal and they decided to start a petition right now to show the Commission. He added that it was not a professional looking petition; it is on the back of the meeting notice but it was signed to show the Commission that the people in town, bordering this proposed development on both sides (specifically left side of Perry Hill, upper and lower) oppose this. He submitted the list of names and added that was all he could get in the two hours before this meeting. Mr. Huzi stated that the people he had seen in the sections abutting this property were appalled in most cases about making this a PDD because it is overdevelopment at its best.

Mr. Huzi stated that the last public meeting he attended was for the cell towers and it was pointed out that the president or vice-president of Highland Acres indicated that they needed the money to keep it going; otherwise, it might turn into more housing. Mr. Huzi commented that he understands that they have precedence. Atty. Thomas even pointed out that they have set precedence already in this town but at some point in time they should take a stand and get back their community for what it actually is. He understands the development part – 11 houses is their right; quite honestly, it isn't his problem or the lifelong residences there. There are people who have been living there for 60+ years who could say "OK we've got wetlands, it is so easy, they could drop the R-2 down, slam in a bunch of other houses..." He commented about the petition and reiterated that it was just a partial list. If he had planned this earlier, hadn't had to work to pay his bills...if he could get this list in two hours... Mr. Huzi stated that he told people about it and carried around the map that he had to pay \$10 for and spent two hours of his time to get this many people who said their answer was "no" to this PDD. He submitted the petition for the record. He reiterated that he was unable to speak to all of the neighbors because he ran out of time before this meeting.

Mr. Huzi stated that basically in that petition they are denying the change of zoning from R-1/R-2 to the PDD; obviously, it only fosters high density housing with little to no input from the residents. If they go back and look at the hardship and everything that goes into consideration for a PDD, the residents don't see it and he doesn't see how the Commissioners could ever approve this. Also, on top of it, problems and issues were already brought up such as blasting and excavation. It was stated that it was going to be minor. He pointed out the corner of the site map and stated that he has lived there his whole life and this area is just a little driveway that is in serious disrepair. He added that the width of the driveway is probably 15 feet of something good and over on the other side is a loose rock wall – big boulders – so when you start blasting, all that stuff will come tumbling down.

Mr. Huzi commented that thanks to the little article from the Shelton Herald, the last time they said they just had to put up a little retaining wall here and there - well that thing is now about 50+ feet tall. So, when they start blasting, people have wells and this whole area is based upon ledge. Mr. Huzi stated that he was not a civil engineer but he has Bachelor/Master degrees in engineering so he could go head to head with anyone else. He may not be a civil engineer but he has a lot of common sense. In looking at this area, he commented that yes, it is possible you take water in and take sewer in but even though he doesn't use it, a lot of his neighbors will get stuck with the assessment. He has to pay even though it comes through or you have to hook up and pay for something that you are getting free from your own sewer/septic.

In regard to blasting, Mr. Huzi stated that he spent countless hours and days when Jason Perillo was trying to get the State to move off of the dime to have mandatory, free to residents who want it, a seismograph...if the owner chooses – there is supposed to be well monitoring and everything else but that stuff doesn't show up until hours later – at the time there was Detective Colon before he even retired – going back 10 or 12 years ago. Unfortunately, he repeatedly tried to get it changed but it goes no place because you run into politics and it is kabashed by the Developers and blasting companies but primarily developers.

Mr. Huzi discussed the buffers and asked if it is such a great idea then why so many residents dislike this plan. In regard to the emergency vehicle traffic, he heard that if they get a big moving van they can just go down the emergency exit on this road. He stated that right now there are potholes deep enough to lose a Volkswagon in and it is also so narrow you would have to build retaining wall. He pointed out the property owner location on the plan and said that he

physically went over there last week and today; he relayed that that owner is appalled about this and signed the petition.

Mr. Huzi indicated that the planning for this is probably really good but in reality, nobody really talked to any of the residents so if P&Z approves the PDD then they will get stuck with everything. For Visitor Parking, he appreciated the Commissioner's comment and also in looking at the two and three bedroom homes and all the questions that the Commission asked.

He indicated that in regard to the wells they have the Ground Water Table that will change. They will probably have City water/City sewer but if you didn't destroy it right now, they wouldn't need it because it is working just fine right now. There are a lot of people who have brand new ones in there.

Mr. Huzi commented again about the blasting and commented that even when Detective Colon was here with Jason Perillo, after P&Z makes the decision to make it a PDD, if they do, they are stuck with the (inaudible) – look what happened to Lane Street and a lot of the other developments. He indicated that he knows people who live in these places. He referenced Crabtree and stated that those people had to pull together their own funds to hire a lawyer to fight this because if this is approved, the homeowners get stuck paying for lawyers and that is what they are hoping for that people don't have the unlimited funds. Homeowners are having a hard enough time making ends meet today in this economy.

In summary, Mr. Huzi respectfully requested that they at least do not vote on this application tonight and that they keep the public hearing open for further discussion because already they have a lot of issues and problems that can't be solved tonight. Also, unless it is clearly documented on one of the multitude of sheets – because on the maps and papers he paid for – the architectural renderings (5 sheet) which is partly what they were questioning about the two-bedroom, three-bedroom, square footage, etc. – he is hoping that P&Z does not vote on this tonight and it will be a process that they will allow open meetings and allow input from the people from the City of Shelton – neighbors and residents with issues. He hopes that they learn from what has transpired in the past. Mr. Huzi commented that he realizes that nothing is perfect. Things get promised but stuff goes wrong but when it goes wrong later on, the homeowners have to use their own funds because of the Charter of the City of Shelton.

Mr. Huzi stated that he contacted a lot of agencies, and they get stuck getting their own lawyers and it does no good after all. Besides the PDD opens the doors for the developers but not the residents, they have to say no right now and table it and get the actual plan. All these dead end roads, letting a UPS driver walk 150 feet – none of it is a wonderful idea. He asked what happens if an ambulance is needed. In general, there should be clear cut plans and keep this process open for comments. If they close this public hearing now, it is the last time any resident can comment or provide useful info to the Commission and they have zero say.

Mr. Huzi concluded that he hopes the Commission tables this and residents/taxpayers can be invited again to comment on this in a public forum that is not closed because this is a life-changing event.

Chair Parkins responded for a point of clarification because Mr. Huzi may not be familiar with their process but most of the residents that signed this petition were actually notified about this public hearing. She appreciates the time and effort that he has put into it, but they seriously wish that other people would come out when this process is beginning. She reiterated that was the purpose of them having this process. There is likelihood that they would keep the public hearing open but the purpose of keeping it open is to hear new evidence that might be presented for or against it. It is not to just keep rehashing it over and over again.

Chair Parkins stated that P&Z does not have closed meeting and she takes a little bit of offense to that about them having closed door meetings. She reiterated that they never have closed door meetings.

Mr. Huzi responded that he apologized for misstating it. The way he understood it is that after this session, the public input means nothing (inaudible) the Commission dialogue. He didn't mean...

Chair Parkins commented that was the purpose of tonight's hearing for the Applicant to make their presentation so that anyone who is interested, all of the people notified by mail, the people that have signed this petition, would come and listen, get information, have an opportunity to ask questions and to comment. She added that technically, if they were to keep every public hearing open forever, they would be sitting at this table every night and that is not practical.

Mr. Huzi responded that he wasn't saying that but when they have the engineer saying that the end of the street there isn't going to be there...

Chair Parkins stated that she understands that...

Mr. Huzi indicated that if the residents can't make a comment on it that is useful in their decision...

Chair Parkins stated that she understands his point regarding that. This is conceptual so what they are asking them to approve is a conceptual proposal. Final details would be provided later. She understands his concerns. He explained them well to the Commission.

Mr. Huzi commented that he hopes that they table it so that they could still have valid input in a public forum and have it documented as such.

Chair Parkins thanked him for taking so much time and coming out to this meeting. She called the next speaker, Doreen Conklin.

Doreen Conklin, 1 Two House Lane, Shelton addressed the Commission. Ms. Conklin indicated that she was representing her daughter who resides at 46 Walnut Avenue and can't attend tonight. Ms. Conklin stated that her concern is about the well and septic system and if they do use dynamite she fears it would be another Lane Street episode also.

Ms. Conklin asked what the construction of the houses would do to the Water Table and the wells because they could dry up. She stated that she doesn't know. She isn't an engineer but these are things that she has heard on the news but in a new development the water disappears and the homeowners are responsible for hooking up to the public water system.

Ms. Conklin stated that another concern was about the 20 foot buffer. She would like to see that deeded to the homeowners because of the property line and the houses are so close to the proposed development. She reiterated that she would like to see that given to the homeowners, the 20 feet, to give them the extra room in their backyards so they don't get encroached upon in case the development changes once the property is sold.

Ms. Conklin asked if they knew the price point of the houses.

Chair Parkins responded no they don't know that.

Ms. Conklin concluded and thanked the Commission.

Barbara Smith, 57 Walnut Avenue, Shelton addressed the Commission. Ms. Smith stated that this is the first she has heard about the proposal and stated that she did know if there had been other public hearings she could have gone to.

Chair Parkins responded no, this would have been the first.

Ms. Smith stated that when they bought the house they liked the privacy and loved that area. They are concerned about other houses being built and what would happen to that wildlife. She commented that they are concerned like other people about what was going to happen with their well and septic. She added that she doesn't want City water and sewer – she loves her well and doesn't want to lose it. Ms. Smith asked what they do if the blasting collapses it. She lives at 57 Walnut Avenue and that is the area they are talking about this emergency road. She added that she lives right across the street from it.

Chair Parkins asked if she lived across the street.

Ms. Smith responded yes, on the other side. She is very concerned and she keeps hearing them talk about it being gated and she doesn't understand what they mean because an emergency vehicle or moving van has to get in there. She asked how they get in there if it is gated. She asked what would stop residents who live there from using that road. Her concern is about Walnut Avenue because you are lucky if you can get two cars passing each other down that road. She asked about a possible increase in traffic there on a road that can't take a lot of traffic as it is.

Chair Parkins answered her question about the emergency access. She explained that in any development such as this, there needs to be an emergency access exit or entrance for the Fire Department so, if for some reason, the Fire Dept. couldn't get in the main entrance, they could go down Walnut Avenue and come in. The Fire Dept. would have the ability to lock and unlock the gate – or use a remote control. The Fire Dept. has control over that type of access. She added that she had never really heard of trucks or moving vans being able to use them but the Applicant can address that.

Ms. Smith commented about that driveway and if it is going to be an actual road going up there because it is a horrible road. She gets all that rock into her own yard.

Chair Parkins stated that during the presentation, the Applicant indicated that improvements were going to be made to that road.

Ms. Smith stated that she was also concerned because of any blasting to be done.

Chair Parkins thanked her for her comments.

Robert Newell, 18 Walnut Avenue, Shelton addressed the Commission. Mr. Newell stated that he had two comments and one of the issues is the well. If there is blasting, he asked who would be responsible for that. He stated that the only water in there is a fire hydrant at the end of his property. He showed the location on the site plan. He reiterated that it was the only fire hydrant on the whole street and the only connection into the whole section that they could take to get water and sewer in there. He thanked the Commission.

Cheryl Renfer, 7 Sandy Lane, Shelton addressed the Commission. Ms. Renfer stated that she lives at the intersection of Walnut Avenue and Sandy Lane. She can see the barn with the horses and added that the only reason that they are here, and she hates to say it, is because 15 years ago, she walked around and went to every Commission meeting for 3 years to get sewers up on Sandy Lane. She indicated that if they didn't have that sewer line, they wouldn't be talking about this development now– she guaranteed them that.

Ms. Renfer commented that she understands that there has to be development. She has been in Shelton for 25 years but she thinks 26 units is ridiculous. They only want 26 units so that they can maximize their profits. She understands that people have to make money but nobody has addressed the issue of traffic on Perry Hill Road or mentioned it very little. If they are talking about 26 units with a minimum of two cars, that is 52 more cars, and that is a minimum. Most people now with teenagers have at least three drivers in a household. Even if they say 60 cars/drivers – Perry Hill is a nightmare to begin with. It is a windy, hilly street made a little bit better by the State of Connecticut, but not a lot better. She stated that she hasn't really heard anyone talk about the effect of traffic near the school or on the street in general.

Ms. Renfer commented that she understands the concern people have about their wells. She has City water but her concern is about the traffic and she just thinks 26 units is a lot.

Theresa Newell, 18 Walnut Avenue, Shelton addressed the Commission. Ms. Newell indicated that she lives at 18 Walnut which is basically the connection of Sandy Lane and Walnut Avenue. She agrees with a lot of what has already been said before. There is definitely an issue with wells and with any blasting whatsoever and asked who is responsible if the well dies and they need to hook up to City water. She stated that they are two retired people and don't have a lot of money to devote to hooking up to City water. They have inquired about it before and it is a very expensive deal and that is one of her major concerns.

Another concern she has and she agrees with the last speaker about is the traffic on Perry Hill Road. Ms. Newell stated that at least twice a day, every single day of the week, the traffic is backed all the way up Perry Hill up to Walnut Avenue and you can't get down without going around the golf course and down in the other direction down #108. It will be a horror show with additional cars.

Ms. Newell commented about the discussion amongst the Commission about the number of bedrooms and that discussion is an important part of this but no information was provided to the people in the audience waiting. She would like to know about the number of bedrooms because that because it is important.

Chair Parkins responded yes, she realizes that but she wanted to give the public a chance to speak because it was getting so late. She actually does have that information calculated.

Ms. Newell agrees that the decision shouldn't be made after just one hearing. There should be more than one hearing. Her main concerns are the traffic and the wells. If their well dies, she doesn't know what they will do, personally speaking.

Chair Parkins thanked Ms. Newell. She stated that she did do a quick calculation and based upon the site plan that they proposed, there are 8 bedrooms for Walnut (*2 bedroom units*); 11 bedrooms for Belmont (*3 bedroom units*); 4 bedrooms for Carlyle (*3 bedroom units*) and 3 for Dogwood (*2 bedroom & loft units*) which equates to 15 three-bedrooms and 11 two-bedrooms.

Chair Parkins stated that she thinks that was everyone in the audience who wanted an opportunity to speak. She asked Mr. Schultz if there were any other agencies that they were awaiting input from.

Mr. Schultz responded Conservation Commission.

Chair Parkins asked if they did not hear back from them.

Mr. Schultz responded no, he requested it but they didn't meet until (inaudible)... They meet on the 5th and the next P&Z is the 12th.

Chair Parkins stated OK but they do have Wetlands approval. She asked if the consensus of the Commission was to continue this public hearing until the 12th.

Comm. Dickal responded yes, in light of what they have heard tonight and since they haven't heard from the Conservation Commission.

Comm. Tickey agreed. The consensus was to continue the public hearing until the 12th.

Atty. Thomas asked if the Commission would like them to answer some of the public questions.

Chair Parkins asked him to do it as quickly as he could because there may be some people in the audience who don't want to come back for another hearing so they have a right to hear some responses.

Atty. Thomas restated that the proposal is – again – subject to some twists and turns – is to deed this in fee with no money.

Chair Parkins clarified that it was to deed the strips of land.

Atty. Thomas responded yes to deed the strips of land in fee with respect...

Chair Parkins commented that when he says "in fee" though - people who aren't familiar with the term "in fee" think that they have to pay a fee for it. She asked him to clarify that for them.

Atty. Thomas clarified that it means that they would be given the property – free.

Chair Parkins stated that it will become theirs and put on their ...

Atty. Thomas commented that everyone has capitalized on the 11 lots and it was mentioned by Jim Swift. As an attorney doing land use, he can tell them that there is no way that this would be developed as R-1; it would be developed as R-2 given the circumstances around it. There would be a zone change and this Commission would be hard-pressed to deny a zone change. He indicated that Mr. Swift said it could get 20 houses – 20, or take 15 four or five bedroom colonials then there are 60 to 70 bedrooms. The number of bedrooms is the same.

Atty. Thomas stated that respect to the issue of set-aside and Mr. Dyer's comment about set-aside, the fact of the matter is that 10% set-aside is nothing more than measly open space. In other words you take a small piece of property and give it to the town and it creates open space. The property that is in there can be taken care of by a Conservation Easement that is much more conservation-oriented with preservation of areas than regular subdivisions. Regular subdivisions are environmentally ridiculous because they only require putting away 10% but in this case, forgetting about the number of houses, they are actually putting away a lot more open space and more valuable open space.

Atty. Thomas commented that the Commission answered some of the blasting questions and he is not going to go into that. It is controlled quite clearly. They presented a traffic report. In regard to the water and sewer brought in, no one would be subject to an assessment. The sewer is already on the site and that is usually the assessment situation so the sewer line is already on the site so it is all going to be on private property. He stated that when a private developer extends a sewer along a public road, there are no assessments to the individual; however, if somebody hooks up that is when they would have to pay.

Atty. Thomas pointed out that the emergency access easement – that driveway is an easement on the property that is being purchased – on the DeMarco property. It is a part of this and it will be a requirement here that this Applicant would have to improve the driveway for the use of the individual that uses the property. He pointed out which property it was on the site plan. They use the driveway and it has to be improved. There will be no blasting to improve the driveway but instead of having a driveway with potholes that could lose a ...

Chair Parkins responded a Volkswagon...

Atty. Thomas stated yes, a VW, it will be a driveway. He showed where the gate would be at the end which would have one of the emergency access type remote controls. The driveway will be used by that individual. The only other burden on the Applicant is that that person has to maintain their driveway so if there is a snowstorm it would be the Homeowner's Association's responsibility to clear it because it also serves as an emergency access.

Atty. Thomas concluded that he thinks that answers most of the questions and they will address them in more detail and address engineering next time.

Chair Parkins responded thank you and indicated it would also give the Commission more time to review this Traffic Study that they just received. She asked for a motion to table this public hearing.

Mr. Schultz clarified the next meeting is on Wednesday, 11/12 and added that Tuesday was Veteran's Day and City Hall is closed. November 12th is the regular P&Z meeting.

On a motion made by Nancy Dickal seconded by Jim Tickey, it was unanimously voted to continue the public hearing for Application #14-24 on Wednesday, November 12th.

End of Tape 2A 9:45 p.m.

Atty. Thomas clarified that they do not send out mailing notices again. The neighbors were already notified.

Chair Parkins announced to audience members that if they want their neighbors to know about the meeting then they should spread the word because the Applicant does not notify neighbors twice.

Mr. Huzi asked why they couldn't post a Legal Notice in the paper.

Chair Parkins responded that they do not do that and it is not their process.

Mr. Schultz commented that a very small blurb is put in as a notice but not a full page notice.

Chair Parkins indicated that people could also check the City website, www.cityofshelton.org. She called a brief recess at 9:53 p.m.

Recess 9:53 p.m. – 9:58 p.m.

OLD BUSINESS

APPLICATION #14-19: PETITION OF WATER'S EDGE OF SHELTON, LLC FOR MODIFICATION OF PDD #78 BOUNDARY, DETAILED DEVELOPMENT PLANS (3 ADDITIONAL DWELLING UNITS), CAM SITE PLAN AND APPROVAL OF REVISION TO LAND USE CATEGORY OF THE POCD, 500 AND 510 RIVER ROAD (MAP 54, LOTS 33, 44, AND 2).

Chair Parkins resumed the meeting at 9:58 p.m. with Old Business, Application #14-19. For purposes of discussion, she asked the Commissioners if they had any questions or comments regarding this application. She mentioned that a lot of the things brought up tonight were about the project in its entirety but she thinks that they really needed to limit the conversation to the addition of the three units because they already approved the PDD there.

She stated that they needed to take all of those comments having to do with the full project and put them aside and focus on comments provided for the three new units.

Comm. Harger indicated that she thought Tom Harbinson had some valid points as to the 15 -20 feet and 50 – 70 for wetlands but there were some other points he brought up about the factory running 24 hours that isn't any of their business.

Chair Parkins responded that she believes that they have a three shift operation but they can't change that.

Comm. Harger commented that it can be considered - but it is "buyer beware."

Chair Parkins stated that it was one of the same concerns that she had with Honey Cell and Hawk's Ridge because they have Honey Cell down there with noise and if they start getting calls from neighbors living up on top about the noise than it is kind of the same situation but these people are aware that there is a commercial entity up above, if they choose to buy it. She thinks the buffer, the trees and buffer that they are proposing will certainly shield any light that may come down there and possibly any noise. No one ever spoke about the operation there being noisy.

Comm. Harger responded no, not from the long time residents of Fanny Street.

Chair Parkins commented that the odor was the big issue – and an occasional fire.

Comm. Harger commented about the height of the retaining wall.

Comm. Dickal stated that was her concern too.

Comm. Harger stated it was behind where the proposed three units are.

Comm. Pogoda added that he thinks that is going to have to be thoroughly scrutinized because of the problem they had farther up on River Road with that commercial development. He isn't

comparing apples to apples on that but still ... a 13 foot wall. He looked at the left side where they intend to put these three units but if it is as high as he said - it is pretty high.

Comm. Harger asked about the height of the conference room ceiling in order to get some perspective on the height.

Comm. McGorty commented that he thought it might be about 15 feet. Mr. Panico commented he thought it was about 12 or 13 feet.

Comm. Pogoda stated that he was concerned about the height of the wall too.

Mr. Panico stated that from looking at the drawings, it doesn't look like it is 13 feet all along the back of the wall. It is higher in one spot and comes down in another.

Chair Parkins commented that it was interesting that the DEEP had no concern with it.

Comm. Pogoda agreed that they had no concern about the proximity to the river and he was a little bit surprised at that letter from them stating they had no problem with that.

Comm. Tickey stated that he was also surprised too. He added that he thinks it is awfully close to the river. The setbacks are so small.

Comm. Pogoda indicated that in looking at the drawing, one of the units, he thinks it is Unit #4, on the original drawings, is even closer than...

Mr. Panico took out the drawings and commented that when they start talking about setbacks they have to say setbacks from what.

Comm. Pogoda responded from the river...

Chair Parkins responded that she didn't think it was from the river.

Mr. Panico asked how he defines the river.

Comm. Pogoda responded the high water mark.

Mr. Panico responded that it was much more than that (inaudible)...The setback the City Engineer mentioned is the setback from the wetlands. He commented that there were wetlands along the water line. He used the site drawings to point out the water line, a conservation restricted area, and then there is the building so from the water line – he could give them an approximate number.

Comm. Pogoda asked how far it is was from the wetland area. It seemed that one of the units in the new building seemed to be closer - he thinks it is Unit #4.

Comm. Harger stated that the new units are #15, #16 and #17.

Comm. Pogoda restated that is what he was talking about, one of the corner units, he thinks it is #4 seems close – so it would be #17, the furthest one to the right.

Comm. Harger asked if he means farthest to the right of the three new units.

Comm. Pogoda responded yes of the new units.

Mr. Panico stated yes, #17 is the closest one of all of them. It is conceivable. It might reverse that setback, push it back there, you might sacrifice the parking in front of the garage.

Comm. Pogoda commented that he was concerned about that and surprised that the DEEP had no concerns.

Comm. McGorty asked how far it was – about 30 feet.

Mr. Panico responded that the closer point to the water is about 40 feet and to that corner it is about 50 feet.

Comm. Tickey asked for clarification that he said it was 50 feet from the water.

Mr. Panico responded yes, from the actual physical water and then there is sort of a wetland area along the water and then there is the (inaudible)... He commented that he hasn't looked at this part of the site but he knows that down at this end of the site even when the tide goes down there is a big mud flap in front so if you are there at the wrong time of the day and you look out from there it is quite a distance. He added that from standing on the existing old dock, there it is quite a distance from where water actually begins. He thinks that is a part of the reason that he sought permission to build that new dock over here to get to navigational water in a shorter distance.

Comm. Tickey asked how that 40 or 50 feet from the water compares to something comparable like Shelton Cove.

Mr. Panico responded that Shelton Cove is a strange development the way it was set up with the big wetland and the big lagoon, most of the development was kept inland.

Comm. Harger stated that it was different topography all together.

Comm. Pogoda commented that he guesses it is OK with the DEEP.

Mr. Panico stated that he had not had an opportunity to walk the site.

Comm. Dickal asked where the concrete wall was going to be.

Mr. Panico pointed out the location of the concrete wall in the back.

Comm. Dickal asked about the length of the wall.

Mr. Panico explained that the wall is retaining the hillside.

Chair Parkins stated that they were excavating one area to bring in fill for another area.

Mr. Panico commented about the area they were excavating to create a flat - they needed the fill from there and that is how they got involved in this additional piece. When they started to explore taking this fill, then it got to a point in their negotiations where they said instead of taking of the fill , they should just buy the piece but he didn't want to do that without getting some return from it.

Comm. Harger asked about the height, this is 30 (inaudible)...

Mr. Panico stated that this wall goes from nothing – and he said 12 feet but he comes up with 8 feet but down here it gets closer to the 12 feet. But it goes from nothing to about 8 feet in that corner.

Comm. Tickey asked where the metal structure was that they talked about.

Comm. Harger asked if he meant the building.

Mr. Panico showed the location of the building and indicated that it was about 140 – 150 feet from here to here.

Comm. Dickal asked about the walk way he said they would do.

Mr. Panico showed the location of the serpentine type of thing they would do to get down that grade. It looks like it is doable if you went down along that wall, the grade is gentler over here and then they could come back.

Chair Parkins stated that they said that they were going to put in small walls going down as well.

Mr. Panico responded yes, terraces.

Comm. Pogoda asked about the photo which was taken with all of the vehicles that he said weren't parked there right now. He commented that the picture shows there were a considerable amount of vehicles there.

Mr. Panico commented that they don't know how old that picture is.

Comm. Pogoda responded no he doesn't know either but ...

Mr. Panico commented that it could have been printed a couple of years ago when they did photography for the City maps.

Chair Parkins responded that they also do a lot of shipping up off of Commerce Drive now (inaudible)...

Mr. Panico stated that they can go out and see if they are there.

Comm. Pogoda stated he just wanted to know if there was anything idling that would create noise or problems for these people (inaudible)...

Chair Parkins commented that it looks like they were just trailers, not even trucks.

Comm. Pogoda commented that he was just wondering if they do park anything there.

Mr. Panico stated that is why the buffering here is very important and it has to be buffering that comes up above this high-side grade. He isn't as worried about the buffering from down at this elevation. In addition, some planting at the bottom of the wall to soften the impact of the wall, the visual impact of the wall. When the planting matures then you don't see the wall very much anymore.

Chair Parkins commented that ideally your view shed is (inaudible)...

Mr. Panico stated that a good part of the wall is blocked out by the building in the foreground.

Chair Parkins added especially from the river side.

Mr. Panico commented that right now, today, that existing industrial building, unless it has been torn down already, is sitting right out here. He stated that they received no comment from Inland Wetlands regarding that Riparian Way that the City Engineer was talking about.

Mr. Schultz stated that they acted on this last Thursday.

Mr. Panico commented yes but there was no discussion, to his knowledge about the Riparian Way impact that the City Engineer is talking about.

Chair Parkins asked for clarification of that area on the drawing.

Mr. Panico responded that Wetlands, and if anyone would know about it, John Cook would know about it. He added that he was sorry that the City Engineer's comments were, unfortunately, related to things that this Commission has already resolved.

Chair Parkins agreed. She stated that she was glad that the drive was made wider because she had concern about that.

Mr. Panico stated that there may be an opportunity to reconfigure this area a little bit more too. In the past it wasn't an issue because you were attempting to direct traffic this way and once you got past this point it was one way. With the introduction of this, he thinks that anybody living

here and coming out here, they aren't going to go around; they are going to turn and go up the hill.

Chair Parkins asked if these were (inaudible)...that could be a change in grade that is a slight modification.

Comm. Harger added (inaudible)...

Chair Parkins stated that they need a consensus to move forward.

Comm. Harger indicated that her concerns were (inaudible)

Mr. Panico stated that the major concern he is hearing about tonight is the setback of this building. He asked if it was worth the trade off of giving up some potential visitor parking. If they want to give up some visitor parking, they can pull this part of the building forward a little bit.

Chair Parkins asked why you would you have to give up visitor parking.

Mr. Panico responded because the parking in front – there is not enough dimension to park in front of those garages anymore.

Chair Parkins asked if he said to park in front of the garages.

Mr. Panico responded that right now he has provided 24 feet from the face of the garage door to the edge of this travel way.

Comm. Pogoda commented that you could move it up and still park two cars there.

Chair Parkins stated that they've got at least another 20.

Mr. Panico commented that the balance of it is OK but you just don't want a vehicle parked there that is going to have its rear end sticking out and impeding traffic flow but quite frankly, this is the least critical part of the site because the only vehicles going past that point would be from one more unit.

Comm. Pogoda stated that if they could move the building far enough away and still allow them to park two cars, he thinks that would be preferable. He commented that they should push them up as far as they possibly could and still ...

Chair Parkins indicated that the only problem with doing that, and Comm. Pogoda knows from living in a development as she does, if you have guests over they are going to be parking here so you don't want to push it too far back.

Comm. Pogoda responded that they are going to park there anyway.

Mr. Panico agreed that they would.

Chair Parkins stated that even though there are three spots here, they are still going to park off of the river. She commented that they don't want to push it back too far.

Comm. Pogoda indicated that if they could push it back a little bit away from the edge he would like to see it.

Comm. Harger asked if 41 feet was to the water line.

Mr. Panico responded yes, from here to here, comparable dimension.

Chair Parkins stated that she was not overly concerned with the closeness to the river.

Comm. Harger commented that it does say 41 feet.

Mr. Panico stated that they could ask him to add another visitor space here, if they want it because there is enough room there. He showed the corner of the house and explained that they could pull the wall 3 or 4 feet.

Comm. Pogoda asked how many visitor spaces they had.

Chair Parkins commented that there are 3 here and 5 more...

Mr. Panico stated that they don't have the whole plan but for the additional three units they are providing 5 visitor spaces in addition to the 2 car garages for each unit plus the 2 car paper spaces. There are 17 spaces of availability for three units.

Chair Parkins stated that she wouldn't mind if they could get another one in there, it would be good.

Comm. Harger asked about the drawing and if it was showing another retaining wall.

Mr. Panico responded yes only because it slopes down and in order to be able to park up there... but it is a low wall, maybe 3 or 4 feet.

There was further review of the visitor spaces available on the drawing (comments inaudible)...

Chair Parkins asked if there was a consensus to move forward with a favorable resolution on this.

Comm. Dickal opposed.

Comm. Tickey asked if the determination was that they were going to propose that it is moved inward.

Mr. Panico responded that there was a discussion about doing that but it was dropped as not being worth giving up the space on the other side.

Chair Parkins stated that it was 41 feet from the river.

Comm. Tickey stated that he would probably not be in favor of it then.

Comm. Dickal indicated she was not in favor of it.

Mr. Panico explained that the concerns that some of the Commissioners had was that if you push this back and lose the apron parking, it is a loss of parking and on special or holiday circumstances, people are more than likely going to park on the curb on the far side and impinge on the ability to get out of these garages so...for the sake of gaining 4 or 5 feet on this side it does not seem worth it.

Comm. Harger commented about snow plows (inaudible)...

Chair Parkins asked Comm. Dickal if that was her only reason for being opposed to it.

Comm. Dickal responded that she feels it is unnecessary. They came to them for an application and they approved it and now they are coming back for another modification.

Chair Parkins asked if she understood why though.

Comm. Dickal responded that she understands why but Mr. Harbinson brought up a lot of good issues.

Mr. Panico asked if she understands that they need to bring in 300 or 400 truckloads of fill but if he can acquire the fill on site he does not have to have all that offsite truck activity. He will just pick it up from here and put it over there.

Comm. Dickal responded that she understands.

Mr. Panico stated that as he understands it, he originally approached his neighbor next door about getting some fill and they suggested that instead of taking fill, just buy the land from them. So now they are saying if they are going to buy the land, then they want to be able to use it.

Comm. Dickal asked if they knew exactly what kind of fill was being pushed over.

Mr. Panico responded that it is natural earth.

Comm. Dickal asked if they knew if it was contaminated.

Chair Parkins asked why it would be contaminated.

Mr. Panico stated that it was virgin land and it has never been developed.

Comm. Dickal responded that you never know.

Mr. Panico stated that they could certainly test it and that would apply no matter where the fill came from.

Comm. Dickal restated that she opposed it.

Chair Parkins responded OK, so it isn't just about moving the units, you are just opposed to it. She asked Comm. Tickey why he was opposed to it.

Comm. Tickey responded that it was about moving the units back.

Chair Parkins asked what he thought would be reasonable to move it back.

Comm. Tickey responded that he would look to the experts in the field for that but he thinks it should be moved back because he is uncomfortable with how close it is to the River. He would want to hear from people who study that type of thing.

Chair Parkins commented that she didn't think it would be substantial. They can't move it back 20 feet so she doesn't know ...

Mr. Panico stated that it could be 20 feet if you want to eliminate the driveways completely for parking but then you would give up six potential spaces.

Comm. Tickey indicated that he gets that they are saying that if you push the units back you would lose parking spaces but that is such a false choice. There should be other parking or the developer should think about where they could get other parking.

Chair Parkins stated that you couldn't physically get into the driveway that would be the problem.

Comm. Tickey commented right, but what he is saying is that if you move it back you are naturally going to lose driveway space and that is common sense because there is a driveway there so maybe it is too congested if they are facing that kind of choice. He asked if there was parking elsewhere. If they move the homes back which removes the driveway parking, he asked where else could people park. He agrees that they want parking there for people but you also want to be comfortable with the distance that these homes are at from the wetlands and the River.

Comm. McGorty stated that he would just defer to the State and added that they don't have any issue with it and that is what the DEEP does – that is their area of expertise. They are more on the conservative side too.

Comm. Harger agreed.

Chair Parkins agreed that they don't just rubber stamp (inaudible)...

Comm. Dickal jokingly stated that it would be three more contenders for the boat slip lottery.

Chair Parkins commented that she wasn't sure if she was viewing it favorably or unfavorably.

Comm. Dickal responded that she just means the odds were getting slimmer and slimmer for getting a boat slip.

Mr. Panico indicated that there are several things that they can think about. He suggested taking the whole building and moving it in one direction about 20 – 25 feet in which case they would have 20 – 25 feet here and then come around and make a parking court.

Chair Parkins responded that would be visible from the river – then there would be a parking lot on the river.

Mr. Panico responded that he agrees but he was just saying what the layout alternatives could be. They could also reduce it by one and do that same thing. This is the most efficient parking because they are using an aisle that is here. If you don't use that aisle and want to put parking over there, then you have to put the parking plus the access aisle to get to the parking so you'd have to double up on the pavement to make the same number of parking spaces. There would be a better relationship to the river but you build up additional pavement for no real reason. There are trade-offs to everything.

Chair Parkins stated that she wasn't totally concerned about its proximity at 40 feet. If they can move it back, she doesn't know that it would make a huge difference. She asked Comm. Harger and Comm. McGorty if they had a favorable consensus.

They responded yes.

Comm. Pogoda commented yes if they can't do anything with it. Four or five feet won't make that much of a difference.

With a 4-2 consensus, Chair Parkins directed Staff to prepare a favorable resolution for the next meeting. She asked for a motion to adjourn.

ADJOURNMENT

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to adjourn the meeting at 10:00 p.m.

Respectfully Submitted,

Karin C. Tuke
P&Z Recording Secretary