

The Shelton Planning and Zoning Commission held a regular meeting on Wednesday, November 12, 2014 at Shelton City Hall, Auditorium, 7:03 p.m., 54 Hill Street, Shelton, CT 06484. The Chairperson reserved the right to take agenda items out of sequence.

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

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

Tapes (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 November 12, 2014 Regular P&Z Commission Meeting to order at 7:03 p.m. with the Pledge of Allegiance and a roll call of members present. She noted that it was a special meeting of the regular Tuesday meeting which did not take place yesterday because City Hall was closed for Veteran's Day.

Chair Parkins requested a motion to add an item to tonight's agenda under Other Business for the Authorization of Downtown Planning Consultant Services which will be discussed later in the meeting.

AGENDA ADD-ON

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to add an agenda item under Other Business: Request the Authorization of Funding for Downtown Consultation Services.

PUBLIC HEARING

Chair Parkins indicated that she realizes that there are a lot of people in the audience tonight and the first item on their agenda will be a continuation of a public hearing from 10/28. She stated that Notices were sent out by the Applicant regarding this public hearing; unfortunately, there was not a big showing on October 28th. There were some people that came out for the last meeting but they are not going to ask the Applicant to re-present the proposal due to time constraints. She explained that their process is that the Applicant is required to notify residents that the public hearing will happen; the Applicant comes to the public hearing and gives a presentation; the Commission asks questions and then they open it up to the public to hear their

comments. There were some things, such as the *Traffic Study* that allowed them to keep this public hearing open. She commented that she realizes that there has been a lot more interest generated from it and the Commission welcomes their comments.

Chair Parkins asked that they keep their comments brief; especially in light of the full agenda tonight and the large number of people in the audience. They want to make sure that everyone has an opportunity to speak. She requested that people limit their comments to things that haven't already been said. If you agree with a previous speaker, just indicate that and add any new comments they want to add. She opened 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 ROAD (MAP 116, LOTS 37 AND 38), R-2/R-1 DISTRICTS (CONTINUED FROM 10/28/14).

Chair Parkins asked the P&Z Secretary to read any new correspondence.

P&Z Secretary, Comm. Virginia Harger indicated that there were five new pieces of correspondence.

***See attached correspondence dated 11/12/14 to Richard Schultz, P&Z Administrator from James M. Tortora, Fire Marshal, City of Shelton.**

***See attached correspondence dated 11/12/14 to Ruth Parkins, Chairperson, Shelton Planning & Zoning Commission from Thomas Harbinson, Chairman, Shelton Conservation Commission with an attachment (Page 9, Inventory of Open Space in Shelton from the Open Space Plan).**

***See attached correspondence dated 11/12/14 to Shelton P&Z Commission from Shelton Resident, Debbie Bashor, 195 Bridgeport Avenue.**

***See attached correspondence dated 11/12/14 to the Shelton P&Z Commission from Shelton resident, Mary Wycko, 193 Bridgeport Avenue.**

***See attached correspondence dated 11/12/14 to Shelton P&Z Commission from Shelton resident, Alira Williams, #? Bridgeport Avenue.**

Chair Parkins requested that any letters from residents be saved until the public portion. She reviewed the procedures for a public hearing with the audience members and requested that anyone wishing to speak tonight please sign their names on the sign-up sheet at the podium. She will call people up in the order that they are listed. She requested that all comments be directed at the Commission and not the Applicant.

Chair Parkins asked if there was any discussion from the Commission members before she opened the meeting for public comments. There were no questions from Commissioners; however, Atty. Thomas requested to respond more fully to questions asked at the previous public hearing.

Atty. Thomas indicated that there were some slight revisions to the plan but he wasn't sure how she wanted to proceed.

Chair Parkins asked him to do a very quick overview of these changes.

Atty. Thomas responded that they weren't going to do the complete thing but he is going to address some of the comments that were made last week and address some of the comments in letters from the Fire Marshal and Conservation Commission. Mr. Swift will address some changes to the plan in response to Commission comments.

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission on behalf of the Applicant. Atty. Thomas stated that there were a couple of things that he would like to present including a petition signed by a lot of the people which was presented to the Commission at the previous meeting simply because these people were told that there is not going to be a road out to Walnut Avenue and it is public water not wells. He is presenting the petition copies for the record.

Atty. Thomas stated that he wanted to correct his error of providing unlabeled architectural floor plans, he is submitting another set of plans including a sample rendering of the houses (Belmont, Carlyle...) in color with labeled floor plans.

Before turning the discussion over to Jim Swift, P.E., he wanted to provide some Zoning 101 because based upon some of the comments, especially some of the comments in the Conservation Commission's Report, it needs to be addressed.

Atty. Thomas indicated that this property, as he said is zoned R-1/R-2 so subject to an application for a subdivision, subject to an application for a zone change, put it all as R-2 and it certainly can be a subdivision. While none of the Commissioners are wearing "hats," the common phrase in Zoning is that when you are addressing a PDD, they are wearing their "legislative hats," and for the sake of the public, that means that the Commission has discretion in making a decision.

Atty. Thomas indicated that for a subdivision on the other hand, it is an administrative act. They take their "legislative hat" off and put the "administrative hat" on, and if a subdivision complies with the regulations, it must be approved. Once an area is zoned, the infrastructure around that area is held by the Supreme Court in Buttermilk Farms; it is sufficient to sustain that zone. No discretion – some discretion with the area of public safety but no other discretion in a subdivision.

Atty. Thomas reviewed some of the issues that were raised. For instance, in an R-1 or R-2 subdivision, can you impose a buffer on a developer? The answer is "no." In a PDD, can you impose a buffer? Yes, you can.

He commented that either an R-1 subdivision or a PDD here with cluster homes would have an entrance road. The entrance road in a PDD would be private; the entrance road in a subdivision would be public entrance road. He added that their engineer would address this issue as to the concerns that were raised about line of sight. With that, he addressed the issue of the emergency entrance and said that in Buttermilk Farms when you do a subdivision, it is implied that the roads around the subdivision area are sufficient to sustain what is put in; so, therefore, in a subdivision, if the developer were to propose, or if this Commission were to request, that the road be a thru road going from Perry Hill Road to Walnut Avenue, it would have to be complied with and it could be done because it is a subdivision.

Atty. Thomas indicated that there might be safety issues but the developer cannot be forced to upgrade the infrastructure, but he could be forced to certainly do what is being required here to make sure of appropriate radii with respect to the thru road. In a PDD, a developer doesn't have that right and the Commission has the discretion to say that they would prefer a gated, emergency entrance.

Atty. Thomas mentioned the issue of visitor parking that was brought up. In a subdivision, no visitor parking; in a PDD, it can be requested and if it is appropriate, it can be done.

Both a subdivision and a PDD create jobs. They are the same thing, they both do that. There is development and this is property, unless the town is going to come in and buy it, this is property that the individual can develop.

Atty. Thomas discussed Open Space and addressed Mr. Harbinson's letter. It is very interesting; this is the Conservation Commission. In a subdivision, it is 10% unless they've raised it to 15% of open space. This is approx. 13 acres so 10% is 1.3 acres or 15% would be 2.0 acres that is connected to nothing – city-owned and deeded to the town - open space, wetlands, disturbance at the wetlands corridor by putting in a public road. The road can go right through the wetlands corridor as long as it is presented to the Wetlands Commission and there is a Wetlands approval in this case that the road does not create an adverse impact on the wetlands.

Atty. Thomas reiterated that the open space for a subdivision would be 10% or 15%. The preserved open space in this proposal is 44% with a private road that wraps around the wetlands, creates the least possible disturbance which is part of the fact of creating a cluster development. He commented that he wasn't sure what seminars the Conservation Commission goes to but right now when you go to planning seminars, the main focus in planning seminars is not just plunking down pockets of open space. It is creating, and he won't get into the issue of density on this statement, but it is creating cluster developments in which you preserve natural features. Preserving open space, getting open space is very important. In this area, Shelton is probably the best town at it because Shelton's Open Space is connectable. When you don't have connectable Open Space, you are better off then preserving natural features and in this case, it is a wetlands corridor which is being preserved. Also, bridge lines and forests are being preserved and yet remain in private ownership because there is no benefit to public entry onto the property.

Atty. Thomas indicated that what they have before them is a Conservation Commission that is proposing to force the developer to do something in which they can get 10% Open Space that is basically unusable rather than the 44% preserved area that they are doing.

In regard to blasting, Atty. Thomas commented that at the last meeting, it was said that there is some that has to be done. The developer might have to blast a knob out and there may have to be some very minor blasting for utilities in the corners of buildings. Blasting is controlled by the Fire Marshal. In a subdivision, there would be the same amount of blasting, if not more to put a public road in down the middle. The road is not necessarily in (inaudible) because in order to maximize the lots, you probably have to go right down the middle of the property; in which case, if the road goes over the knob, it is going to potentially create more blasting, but at the very least, similar blasting.

Additionally, in a subdivision R-1 or R-2, they have no control once those lots are sold and those houses are built. There is nothing like the control you have in a PDD when you are requiring

certain things to be done and when any changes are going to be needed. For instance, if the PDD requires it, if they ask the developer to do line drilling on some of the blasting as a condition or they might ask the developer for other certain protections, and that can be done. They have certain discretions and they are wearing their “legislative hat.” If they put on their “administrative hat” they can ask and the developer’s response in a regular subdivision could be “No, I’m sorry, thank you.”

Atty. Thomas stated that in addition to that they are talking about a situation of no swimming pools, swing sets or anything like that. In a subdivision, when that homeowner wants to put the in-ground pool in and it has to be blasted out, they have no control over it, no control over the aesthetics, and no control over the buffer. So, up against the existing R-2 homes on Walnut Avenue, those yards can go right up to the back – those houses could be right up to the back.

Atty. Thomas commented that he was pointing this out with a line down the page, left and right, simply to say that people shouldn’t be talking about a subdivision like it is some sort of a panacea to this property. Maybe the goal of those people who are talking about it is the hope that it wouldn’t be economically feasible so that the individuals who own the property won’t be able to sell the property and it will stay the way that it is. The bottom line is that people have the right to develop it and the tools to develop it, under the Shelton Zoning Regulations, in this case, are the subdivision or the PDD. It is discretion versus administrative approval. Once you get that administrative approval, as a Commission, they aren’t in that big of a bargaining power when it comes to a lot of these issues whether it is blasting, buffers, visitor parking or open space. Once you observe that parameter, he thinks that yes, there needs to be some discussion, things have been pointed out and they’ve made a few changes to address those issues. They have had a discussion with the Fire Marshal and they hope that the changes will satisfy some of the comments and generate further discussion concerning density issues on the site. He turned the discussion over to Jim Swift.

James Swift, P.E. and Professional Landscape Architect representing the Applicant. Mr. Swift commented that in response to some of the comments that they heard at the last meeting, they prepared this modified plan (displayed) to show the Commission that there are alternatives to the previous drawing presented. He submitted copies of the revised drawings to the Commission. He commented that some of the changes are obvious. One of the things that they did was to get rid of any of those short, permanent, dead-end driveways. He showed the locations and added that they have provided cul-de-sacs in all of the main driveway areas.

Mr. Swift referenced the plan and explained that you can see that all of the main, private roadways are designed and constructed to the size requirements of the conventional subdivision. He commented that one driveway is no longer there in one of the locations. In order to do that, they eliminated one of the units and he pointed of the location of that eliminated unit. He indicated that they are down from a total count of 26 units to 25 units. He stated that this was something that was brought up in conjunction with the Fire Marshal, City Engineer and they thought it was of interest to the Commission so they made that revision.

Mr. Swift indicated that they have added Visitor Parking spaces on the site. In getting back to the Fire Marshal’s original letter which they felt was a little bit confusing about fire lanes and driveways, they are looking to clarify that when they are talking about driveways here, they aren’t talking about the driveways directly in front of the units. He said that in addition to the two garage spaces, the two parking spaces immediately in front of the garage door so they wanted to clear that up. It is one of the reasons that they spoke to the Fire Marshal.

Additionally, Mr. Swift indicated that they added Visitor Parking in several areas. He pointed out the 7seven different locations with a total of 16 Visitor Parking spaces. For the record, in past developments of this nature, Mr. Swift commented that the Commission has been looking for about one visitor space per unit and that is, obviously a little bit better than two spaces per unit. They are following that bit of precedent when they added those visitor spaces in there.

Mr. Swift reminded the Commission about part of the presentation from the Traffic Engineer who basically gave them a good, clean bill of health. As you come out onto Perry Hill Road, he pointed out that there was a possibility to move this entry way around to get...he indicated that they already have the minimum sight distances on the posted speed limits so there is no question there. There is that retaining wall that was constructed when Perry Hill Road was first built; that wall gets removed. Under this plan, the grades are pulled back so it is a little bit deceptive to stand out there now and think that that wall will still be there and what the sight distances are there.

Mr. Swift commented that one of the things that the Traffic Engineer suggested is that this driveway could move a little farther to the east and they could reach, if not add very close, what he calls the 85th percentile traffic speed. He commented that as they know, it is posted as 25 mph but the Traffic Engineer determines the speed that 85% of the people are driving at even though it is posted as 25 MPH. By making some minor changes there, Mr. Swift indicated that they can make that happen too at the Zoning Commission's pleasure.

Mr. Swift lastly indicated that these changes did modify the Open Space a little bit. It is a little bit smaller but it is basically six acres, a little less than originally proposed but it is still over 40% of the total site area. As Atty. Thomas pointed out, in a conventional subdivision, it is very unlikely that this Commission would request Open Space because there is no Open Space connection around this site. So in a conventional subdivision, they would be donating 10% fee in lieu of. In this case, the Open Space is much more generous. Wildlife and things like that will be much better taken care of in this. The open space in these kinds of developments, because the lots are smaller and it is a very tight association, these kinds of developments are taken care of more fully than in a residential subdivision where lots are bigger and people have more privacy to start putting things in their backyards.

Mr. Swift concluded that this is a two-part plan and it does show how this grades and there are no changes there. He covered blasting quickly again and showed one area of blasting down in one small area but reiterated that this plan holds to the testimony that he gave at the last meeting. He stated that what they are looking at for any kind of rock excavation here is very small areas such as a corner of building here, a little bit of a trench there and that sort of thing. He added that it is much cheaper to hammer rather than blast so they will be looking to do that. Mr. Swift reiterated that to be realistic, there is some blasting but his testimony here would be that it is not significant or large areas of excavation.

Atty. Thomas clarified the point that was made last time that while they haven't gotten 100% response, it is the intent of the developer to give (he won't use the term "in fee"), to deed at no cost whatsoever, the area along the Walnut Avenue homes, that 20 foot strip wherein some of the yards have begun to encroach slightly. It would be given to the landowners – deeded- and then, obviously, as proposed and as they saw in the plan, there would still be substantial room along Gabriella Lane and Sylvester's Way for a buffer. He summarized those were the changes and (inaudible) addressed issues.

Chair Parkins thanked the Applicant and asked the Commissioners if they had any questions.

Comm. Harger asked for the clarification about the hammering method of removing rock.

Mr. Swift responded jack-hammering.

Comm. Harger responded OK.

Chair Parkins commented that with no further questions from the Commission, she would open this hearing up to the public. She noted that there are some names of people who spoke last time so she asked again that they limit their comments to anything new and not to repeat statements they've already made. She called the first name on the Public Sign-In Sheet.

Barbara Smith, 57 Walnut Avenue, Shelton addressed the Commission. Ms. Smith stated clearly that she was not against development; she was against over-development. She indicated that she opposes changing the R-1/R-2 zone which is consistent with the City of Shelton Master Plan of Development and Long Range Planning, to the PDD. She indicated that she wanted to submit to Chair Parkins some letters from residents who could not attend the meeting tonight because they had other commitments. She added that there were 11 sealed letters with one letter having 2 signatures.

Chair Parkins indicated that they will be put into the record; however, they won't be read into the record this evening.

Ms. Smith commented that she also wanted to present petitions that she has. One petition is from local residents on the street and the other petition is one that she formed on the Internet. She added that it was done on www.change.org, if anyone is familiar with them. The first four pages contain electronic signatures and on the last couple of pages there is an area where people made comments. She submitted the petitions to the Commission.

Chair Parkins asked if everything on the petition was specific to this application.

Ms. Smith responded yes and it states it on there. She explained that there are 104 signatures on the petition and; unfortunately, some people did not follow directions and some of the individuals are not Shelton residents so it is a total of 91 actual Shelton residents that signed the petition.

Ms. Smith commented that at the last meeting she mentioned the blasting issues and a turning radius and submitted some photos of the area. She indicated that she resides right across from the access road. She explained that Photo 1 is of Walnut Avenue and the access road and Photo 2 is a different view of the access road looking up it.

Chair Parkins clarified that it was an emergency access not an access road.

Ms. Smith responded yes, an emergency access road. She commented that in Photo #3, and it addresses one of the concerns that she has regarding that roadway being put in there and blasting needs to be done. She wants to point out that the photo shows the ledge and the large, loose rocks that were noted at the last meeting that are adjacent to that emergency access road. She stated that Photo #4 was a closer view of one of the very large rocks on the top and Photo #5 shows how close that large rock is to the ledge. Ms. Smith added that another concern, and shown in one of the photos, her property is across from that emergency access

road and her well is about 75 to 125 feet from that area. She reiterated that was why she is so concerned. She thanked the Commission.

Claude Smith, 57 Walnut Avenue, Shelton addressed the Commission. Mr. Smith stated that he opposes the R-1/R-2 zoning change to a PDD. He added that he wasn't against development but he is against over-development. He thanked the Commission.

Annette Gianatasio, 50 Walnut Avenue, Shelton addressed the Commission. Ms. Gianatasio stated that her property is located at the top of the map shown right along Walnut Avenue and the property that is going to be developed. She commented that she wasn't against developing the property but she is opposed to the changing of the current R-1 one acre, R-2 ½ acre zoning which is consistent with the City of Shelton's Master Plan of Development and Long Range Planning of the PDD Zoning Plan. She indicated that as a taxpayer and property owner, her property is directly impacted by the development of the Perry Hill land. She believes that the Board should maintain some control and enforce guidelines put in place before and during the development of the Perry Hill Estates set forth by the Master Plan to protect Shelton from becoming just another over-developed place to live in Connecticut. They are a close group of neighbors and a community that cares. She stated that they are looking to them, the Board, to uphold the Shelton Master Plan put in place just for this reason; to keep overdevelopment from happening in this area and help Shelton taxpayers maintain the quality of life that they love. She asked if they would want this to happen in their backyard. She thanked the Commission.

There was some public applause and Chair Parkins requested audience members to hold their applause in order to ensure that the next speaker hears their name called. She added that she appreciated their cooperation with that.

Bonnie Bevan, 34 Walnut Avenue, Shelton addressed the Commission. Ms. Bevan commented that she opposes changing the current R-1 and R-2 that is consistent with the City of Shelton Master Plan of Development and Long Range Planning to a PDD.

John Zoppi, 74 Perry Hill Road, Shelton addressed the Commission. Mr. Zoppi indicated that he opposes changing the zoning for the development of that property. He commented that he thinks that the Commission should be cognizant of the fact that there was a term used "mass blasting" in a small area and he is a little bit confused about what that meant. He is concerned about the blasting that will go on with the wells in the area. The properties that he lives on all have well water which he has had problems with before and he thinks that is one of the issues that the Commission needs to look at. He thanked the Commission.

Andrea Abraham, 70 Perry Hill Road, Shelton addressed the Commission. Ms. Abraham commented that she is against the PDD primarily because the intent of the PDD agreement for Shelton is to encourage and accommodate unique and desirable development consistent with long range development. She added that PDD's should only be established in the following locations – a CDA and this isn't one of them; in a property adjacent to or abutting to an established non-residential area for the purpose of accommodating a proposed use of development that will provide an effective transition of land use and buffer to the adjacent residential neighborhood. She commented that it also says that PDD is not allowed on any site or parcel that is entirely surrounded by single family residential zones and it should not be used when alternate conventional zoning district is available. Ms. Abraham added that she thinks that is exactly the case here; it is all a residential area other than the golf course across the

street which is basically open space. She commented that she doesn't think that this is a transition between similar zones so she doesn't think it should be allowed.

Ms. Abraham indicated that she is also concerned because they have well water and she's concerned about the blasting with the wells. She is concerned about the traffic situation on Perry Hill Road. Even though it says 25 mph – no one goes 25 mph. It is a tough curve with golfers/golf course and a school there. One of these days there is going to be a major accident there. She reiterated that she was against the PDD. She thanked the Commission.

Marilyn Ragozzine, 53 Walnut Avenue, Shelton addressed the Commission. Ms. Ragozzine stated that she also opposes the PDD. She commented that like Barb Smith, she lives right across from the location of where that emergency access road would be. She is concerned because their wells are located right there too. It is a big concern with any blasting. She added that she wasn't opposed to the development but opposed to the amount of houses and concerned about what it would do to her property, wells, etc.

Mike Ragozzine, 53 Walnut Avenue, Shelton addressed the Commission. Mr. Ragozzine indicated that he opposes changing this from R-1/R-2 as well. One of his biggest concerns is the traffic and congestion on Perry Hill Road. He stated that he has lived on Walnut Avenue his whole life and that road is pretty dangerous to begin with and adding even more cars out onto that road during peak hours will make it even more dangerous. Mr. Ragozzine commented that he wasn't opposed to development, just the amount of it. He is concerned about the amount of traffic that is going to go on that road. If they are aware, at Perry Hill School right now at 8 a.m. - it is chaos. This will add a lot more traffic to that road and that is his biggest concern.

David Bernowski, 66 Walnut Avenue, Shelton addressed the Commission. Mr. Bernowski apologized that he didn't bring any notes but stated that he also opposes the zone change. In regard to the emergency access road, which is his current and active driveway; it is the only access to his house. His property is right next to this development. He commented that the area of the most concentrated blasting is an area closest to his well. Mr. Bernowski stated that he understands what he is talking about having trouble further downstream because when they did the blasting for the development up the stream and through the woods past the old turkey farm, they noticed a change in their water. He added that was a long way away too – not right in the next property. Mr. Bernowski stated that he thinks the well water and the blasting is a very valid concern and he thinks this is perfectly good zoning. They have a great model at #57 where they used the zoning they had to build properties that he feels are appropriate. They have all been occupied by good taxpaying citizens since being built.

Roy Demague, 72 Perry Hill Road, Shelton addressed the Commission. Mr. Demague commented that he was opposed to any of this going in whether they change the zoning or not. There is too much damage going on with the wells in their area and the traffic is horrendous on that hill. He indicated that he has been to the Police Station about the traffic and one officer told him that a car can't get up to 60 mph going up that hill. He added that he thinks everyone else in the room can tell them that they can and cars have done it. When he pulls out of his driveway, without touching the gas pedal he is doing about 40 mph going past the school. This is something – adding more cars – is just not the right thing to do.

Mr. Demague commented that they have a nice town here. He moved out of the shoreline to come up to a nice area like this and putting something in like this is ruining the countryside. It is just ruining it.

Ken Huzi, 84 Walnut Avenue, Shelton addressed the Commission. Mr. Huzi stated first that he was opposed to changing to a PDD from the present zoning which is R-1 in the largest portion and a smaller part (less than 25%) is R-2.

Mr. Huzi indicated that his second item is about the present and long-term detrimental effects to the City of Shelton by not following the Master Plan for Development overshadows the benefits portrayed by the developer. It was mentioned that there would be development of jobs which is true but that is just a short term benefit. The long term, as they know, the more houses you add, the more residents – they are a draw in the system. They pay taxes and fund the system but the real money comes from Wal-Mart and the business district. As they continue on this journey and allow these types of really large complexes to be put in, multi-family – and when everyone is gone, the lawyer is gone, the developer is gone - then they are stuck with a big pile for future generations. He stated that right now, in reading Shelton Life (the magazine at the Library and Town Hall), it talks about all of the wonderful things in the city and the Mayor's dissertation in there about where they are and where they are planning on going. They have prescribed areas that they talked about. Mr. Huzi indicated that their forefathers did a tremendous job way before it even before it became a topic brought up by anyone where they had a Master Plan for Business Areas (i.e. Wal-Mart..), Office Buildings in another area (i.e. Scinto Towers) – people who will pay their bill in the near future.

Mr. Huzi stated that he didn't want to make this into an elementary school lesson, 101 or anything but they have (inaudible) requirements that limit the amount of housing in there for a good reason because very shortly when they all disappear, the next thing – and everyone jokes about what happened to Bridgeport – but when you start bringing that in – and you can see it coming like a freight train – everyone sees that it is here. In just looking at the overdevelopment and when they go through, if in fact and as stated during the Cell Tower Meetings, if in fact the golf course goes out then this is going to be a free-for-all.

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

Mr. Huzi stated that they are setting bad precedents. He understands that what is done is done and it is a dead issue but at least they need to learn from their potential mistakes and look toward the future. They will never stop the merry-go-round but they can at least slow it down to a point where it will make it livable so that present residents, like himself who have lived here forever, could afford it and you continue on to future generations.

Mr. Huzi commented that all of the folks that he touched base with about this matter - all he did was present the facts. Most people don't even realize what an R-1 or R-2 or a PDD is – he told them in simplistic terms and what they will see, because he is going to give them another list of names. He indicated that he went to the homes of a couple of families who just moved here, one family in particular that just moved in about a month ago near his house. People come to Shelton exactly because of what you read about in Shelton Life – the quality of life and the balanced community.

Chair Parkins asked Mr. Huzi to please wrap up his comments and address his issues against or pertinent to this proposal rather than a lesson in zoning.

Mr. Huzi responded that in short there are 65 on this petition and he submitted 15 letters opposing the application as well.

Chair Parkins thanked him for the information.

Mr. Huzi commented that when they look at this development, they really hope that they don't sell their soul. He thanked the Commission.

Chair Parkins thanked Mr. Huzi for his time and effort on this. She added that education is their best key and they put as much information as they possibly can on the website. Their regulations are on the website so that anyone who has an interest in learning about P&Z can find all the information that they need online. She commented that they encourage people to do that because an educated public is definitely helpful to them.

Robert Skinner, 152 Long Hill Cross Road addressed the Commission. Mr. Skinner stated that he was a lifelong resident of Shelton and he is in favor of this development. He realizes that there are a lot of people upset about it but he thinks it is going to be a beautiful neighborhood with kids right next to the school. He stated that he personally knows this contractor and these houses are going to be top-notch, high-efficiency, green and it will be a beautiful neighborhood. The guy is a pain in the butt to work for but it is going to come out very nice with a beautiful bunch of homes.

Kyle Kondrat, 9 Hilltop Drive, Shelton addressed the Commission. Mr. Kondrat stated that he is also in favor of Mr. Perry building this development. He has done work for him over the last 15 years and he abides by all of the safety protocols required for building houses. He added that he sees no reason to negate Mr. Perry the opportunity to build this. He thanked the Commission.

Rob Pinto, 11 Old Towne Road, Seymour, CT addressed the Commission. Mr. Pinto indicated that he was no longer a Shelton resident but he was in favor of this development. He has worked for this developer for quite some time now and it is definitely going to be a top-notch development. It is going to be a perfect family neighborhood because all of the schools are right there.

Fernando Pinto, 74 Tuckahoe Drive, Shelton addressed the Commission. Mr. Pinto commented that he has lived in this city for 30 years and he is in favor of the development.

Michael Petrucelli, 49 Walnut Avenue, Shelton addressed the Commission. Mr. Petrucelli stated that he opposes the changing of the current zoning and the development of the PDD. His primary concerns are the wells and the blasting. He added that when they put the wall in at the end of Walnut Avenue and they blasted, he got sinkholes in his yard and basement. At the time he contacted the town and they claimed no responsibility but that was at the end of the road; this is going to be right across the street from him so he has concerns about that. He thanked the Commission.

Lauren Petrucelli, 49 Walnut Avenue, Shelton addressed the Commission. Mrs. Petrucelli commented that she is opposed to the changing of the current R-1 and R-2 ½ acre which is consistent with the City of Shelton's Master Plan for Development and Long Range Planning to a PDD zone. Her concern is also regarding the sinkholes that they have in their basement from blasting done years ago on Perry Hill Road and Meadow Street. She added that she is concerned about their wells – they have two on their property and one is extremely old. Ms. Petrucelli commented that she is also extremely concerned about the traffic. She drives up and down Perry Hill Road every day and it is a mess, especially with school in session. It is a nightmare trying to get out of that street and it is also a nightmare trying to get home sometimes.

She is opposed to more traffic due to more development on the street. She thanked the Commission.

Paul Prosnick, 16 Perry Hill Road, Shelton addressed the Commission. Mr. Prosnick commented that he is in favor of this development. In looking at the plan, there is a lot of open space. He likes the buffer on Walnut Avenue. He thinks a lot of people are worried about the blasting but he thinks it will probably be more hammering. He added that in looking at this, he is happy that it is not a bigger developer like Toll Brothers or ?(inaudible) or somebody like that. He thinks that they need to work some things out but he thinks the builder will be there to work it out with them. In seeing all of the open space, he commented that it looks like a nice property and he would be in favor of it.

Lisa Czaplinski, 4 Perch Road, Shelton addressed the Commission. Ms. Czaplinski indicated that she is in favor of this development. Population in the U.S. and Connecticut has only increased over the years and it is only going to continue to increase. They need to accommodate these changes and these homes will do that in an aesthetic way. Also it will increase tax revenue for the City.

Jane Brown, 15 Meadow Lake Drive, Shelton addressed the Commission. Ms. Brown commented that she resides on Meadow Lake Drive which is the lower portion of Meadow and Perry Hill. She understands the geographical concerns of the Walnut Hill and lower Perry Hill but she also travels up and down Perry Hill Road and it is very busy but she is very much in favor of this development. She has personally known Mr. Perry for a very long time and she knows that he is very conscientious and he cares about Shelton and he will give this his best shot. She reiterated that she was in favor of this development.

Lisbeth Olson-Condo, 106 Chamberlain Drive, Shelton addressed the Commission. Ms. Olson-Condo indicated that she has been a life-long resident of Shelton and she has watched to town grow and grow and it has been exciting; however, she is very concerned about over-development. They are developing over by Bertucci's, the Wells property and she can see where that is a business area/residential. But she has great concern about anyone taking zone R-1 and deciding that it can be changed just to squeeze in some more houses. She commented that she understands from the information that you are allowed to develop your land but asked why they have to over-develop. She asked why it couldn't be one acre, one house – that is how the neighborhood is setup. Ms. Olson-Condo indicated that they shouldn't take what they have here in Shelton and change it up and make it less of a quality of life. She stated that she didn't want this to happen in her neighborhood; she is nowhere near this neighborhood but she is afraid it is going to encroach and keep coming and coming.

Ms. Olson-Condo concluded that she thinks that if they put one house on one acre and then she thinks that they are all good. She thanked the Commission.

Jennifer Benny, 66 Walnut Avenue, Shelton addressed the Commission. Ms. Benny stated that she lives at 66 Walnut with her husband David Beranowski and they lived there for 19 years. She stated that driveway, their driveway is the right-of-way, access road that they are talking about. It needs a lot of work as it is; no one has maintained it. She indicated that they are driving in the boondocks trying to get to their own house as it is. She is opposed to changing the driveway from R-1/R-2 to the PDD. She added that their well is the closest to the development and they are very concerned. All of the development that has happened in the area has affected their well and they are very concerned with the traffic and the school as it is.

They are already enough issues and they don't need to develop anything more than an R-1/R-2 that is already there. She thanked the Commission.

Cheryl Renfer, 7 Sandy Lane, Shelton addressed the Commission. Ms. Renfer stated that she also opposes the change from R-1/R-2 to the PDD. She has no problem having it developed as R-1 and R-2. She gives the Commissioners a lot of credit for volunteering their time. Ms. Renfer stated that she took offense at the last meeting when the attorney implied that if this doesn't go through then you'll have to give a variance. She stated those were the exact words. She asked why they would have to give a variance. Her other concern is if they allow this to become a PDD and when Highland Golf Course can no longer sustain itself and some developer comes in and wants 200 houses and a PDD...she asked what they would do then. She thanked the Commission.

Traci Kondor, 83 Walnut Avenue, Shelton addressed the Commission. Ms. Kondor commented that she opposes this change. She is concerned about the wildlife, the population, the traffic, the wells – all of it. She added that she thinks it is unnecessary. She thanked the Commission.

Pete Balogh, 156 Wooster Street, Shelton addressed the Commission. Mr. Balogh stated that she agrees with this proposal. It would bring revenue, tax-wise, to Shelton. He thanked the Commission.

Salvatore Perry, 34 Lazy Brook Road, Shelton addressed the Commission. Mr. Perry stated that he has been a Shelton resident for 35 years. He has been a local business owner for 20 years. He commented that he did not think it was fair that people go on Facebook, etc. and just ask for signatures when people don't know the facts of the matter or the situation. For instance, "the developer can do whatever he wants if a PDD is approved". He added that is a matter that has to do with the builder and the Zoning Board, as everyone here knows.

Mr. Perry stated that he would like to make a simple list of places – if anyone is truly concerned about what this development will look like, they can drive by these properties. He added that this would be a very low impact development to the town of Shelton. He listed the following:

- Cranberry Estates (approx. 30 units off of Armstrong Road);
- Heritage Point (approx. 30 units off of Buddington Road);
- Wells Spring (approx. 30 units off of Murphy's Lane);
- Waterview Landing (approx. 30 units off of Old Stratford Road);
- Four Winds off of Constitution Boulevard (approx. 50 units).

He indicated that these are all highly manicured, very nice properties, generally chartered to the 55+ age bracket which actually is beneficial to the town from a financial standpoint.

Mr. Perry stated that he is definitely in favor of this project for all the obvious reasons and he thinks that people should be properly informed of the pros/cons before just signing a petition or letter saying "no." He thanked the Commission.

Chair Parkins indicated that there were no other names listed on the signup sheet to speak. She asked again if anyone wanted to address the Commission on this issue. With no further requests to speak, she asked the Applicant to respond.

Atty. Dominick Thomas responded to some of the public comments. He indicated that he thinks that he is usually pretty eloquent and he never used the word “variance” – his comment was that there is a great possibility that someone could come in and apply to move the zone line for R-2 down, they could develop an R-1, they could develop it R-1 and R-2 but a road is still going to go in down the middle, there is still going to be blasting and there could be more. A lot of the issues that people are raising would be here for a subdivision. The only difference is that you, as a Commission, would have no discretion to sit down, as you can a PDD, with a developer and work out conditions that would be beneficial to the neighborhood.

Atty. Thomas indicated that he wanted to comment about one of the individuals from the public who mentioned the wildlife. In this proposal here there is a wetlands corridor preserved and he showed that it could service as a wildlife corridor. In an R-1 or R-2 subdivision, the lots, one up against the other, when those people go and clear the land, the Commission can't stop it. Creating a wildlife corridor would be very difficult for this Commission, if at all, to impose upon any developer, so a lot of the things that are being said about what they perceive as problems of the PDD – the problems are much bigger with a subdivision in that there is no discretion by the Commission.

With respect to the exhibits that were introduced and Jim Swift will address more...In particular, he wanted to point out, the couple who spoke, according the information, they have a right-of-way, their driveway over that property...everyone keeps referring to it as an access road but it is an emergency access. He stated that in regard to the pictures of the driveway – that driveway will have to be improved. Nothing can be done to that driveway that interferes with their ability to access their own property. He referenced the rocks shown in Photos #3 and #4; he indicated that they are not on the 50 feet. The rocks are actually on the neighbor's property and that area will be paved. He indicated that Jim Swift would talk a little bit more about that but before that he would like to call upon David Sullivan to respond briefly to some of the questions that were raised about the traffic.

David Sullivan, P.E., Milone & MacBroom addressed the Commission. Mr. Sullivan stated that he thinks that there are three things coming out. One thing is the safety of the road and he thinks he discussed this last time but the first thing is that they did look at the number of accidents. There were seven accidents over a three-year period along that whole stretch of Perry Hill Road and that doesn't constitute any unusual frequency or pattern of accidents. The other safety issue is the sight lines which he thinks Jim Swift touched on it as he did last time but, again but the driveway will not add any new safety concerns.

Secondly, the issue of congestion and he reported that it would be a Level of Service “A” or “B” coming in or out of the driveway. Lastly, the issue of speeds, in the report they indicated that with the 85th percentiles – and they had over a week's worth of data, hour by hour, by direction and the 85th percentile speed was 34 mph in one direction and 35 mph in the other direction (eastbound). He concluded that he thinks that covers the issues and thanked the Commission.

Comm. Harger asked for some clarification about the congestion issue.

Mr. Sullivan responded that the Level of Service coming out of the driveway is a Level of Service “A” or “B.”

Chair Parkins asked how they determine the level of speed going up and down the road.

Mr. Sullivan responded that there are machines in which they run tubes across the road. There are two tubes and as a vehicle goes over the two tubes, the computer box measures how fast the first tube is hit and how fast the second tube is hit to validate the speed.

Chair Parkins asked if the two tubes were connected at all because she finds it odd that it is 34 mph and 35 mph because one way is going uphill and one way is going downhill. She commented that it seems a little bit odd for it to be so close.

Mr. Sullivan responded that one is going uphill and one is coming out of a curve (inaudible)...

Mr. Panico stated that there are two tubes for each direction (inaudible)...it only goes halfway across (inaudible)...

Chair Parkins reiterated that it seems a little bit...

Mr. Sullivan responded that it was not the same tube.

Chair Parkins thanked him for clarifying.

Someone in the audience wanted to respond to the speed limit issue but Chair Parkins indicated that they were not going to debate this with he said – she said. Everyone has had an opportunity to speak unless there is really something that ...

Audience member (unidentified) asked a question in lieu of Mr. Sullivan's comment but it was not audible. Another unidentified audience member asked a question (inaudible)...

Chair Parkins asked people to identify themselves and in regard to the strips, she asked Mr. Sullivan to clarify the strip location on the road. She asked if he was representing it to be at the driveway location.

Mr. Sullivan responded that the tubes – they hired a consultant to do that – they are given the location and they determine the closest place that has the street run and somewhere that they can tie the equipment to. It is generally within 100 feet of the driveway location.

Chair Parkins asked if the plan states exactly where they were located.

Mr. Sullivan responded that he asked for a moment so that he can look it up and provide a precise location.

Atty. Thomas pointed out and he would keep making the same point, if it is an R-1 or R-2 subdivision, the tubes would go in the same place in the road so really...

Chair Parkins indicated that they just need an accurate representation that's all.

Jim Swift, P.E. addressed the Commission in regard to a couple of the public comments.

Mr. Swift stated that a lot of the comments and issues had to do with their emergency vehicle access right in that location. He commented that there were people who spoke that live directly across from that plus the people that own this house (he pointed it out on the plan) that utilize that driveway. He wanted to explain exactly what is going on with that driveway. The photographs show that the driveway is not in great shape and there is missing pavement – quite a bit of broken pavement. He responded that they are going to be responsible for a couple of

things. They are going to be responsible to make sure that those people have the access that they are entitled to. They own the property but those people have an easement and they owe them the ability to have unimpeded access into and out of their property. When they are done, it will be, safe to say, better than it is right now. They are going to take responsibility of improving the physical property of that driveway both for them and for their own purposes of using it for an emergency vehicle access.

As far as any significant blasting or anything in that area, they are going to look to improve it the best that they can but they are not going to get into a situation where they are blasting areas out of it to improve that driveway. If they can soften some of the slope of that by scraping, hammering if you will, then they will do that but everybody has seen, including the Fire Marshal, the slope and grade of that driveway. It is not unusual, he believes that at Summerfield, if they look on Meadow Street, the steepness of that emergency access coming down. Everyone is aware of the grades there so they are talking about improving the actual construction, the smoothness of that driveway, and as he said before, widening it out. He added that the issue of them getting into massive work in that area is not going to happen.

Mr. Swift responded that the term of "mass blasting" – he thinks that it is obviously not a technical term. If anyone that drives there and certainly the Commission is familiar with it, for those of the public that are here, when they talk about "mass blasting," they talk about areas where there is just a full scale, very large area of blasting that is massive and takes out a large amounts and leaves the exposed rock in certain areas. He indicated that is what he would mean when using the term "mass blasting." He showed the only general vicinity on the plan where that would be possible. It is a fairly small area and certainly not the scale of any of the commercial or industrial developments that you would see. He reiterated that it is very small.

Mr. Swift stated that the blasting or the rock excavation that they are talking about, but the way that all of these grades are designed and all of these houses are designed, as he explained originally, is to try and find the best grade for the back of these houses and the basement slabs and to keep those... They don't want big fills because those are expensive and they don't want big cuts because those are expensive. They have all worked out very well for almost all of these units. The issue is that if you are right on grade at the rear on the house and by the time that you are into an 8 foot – and that is about the limit of the excavation – at an excavation the ledge is 5, 6 or 7 feet – then they will need to hammer the rock out along the corner. There is no situation in particular in here where they have to mass blast an entire foundation. Mr. Swift commented that hopefully that clears up that term a little bit.

Mr. Swift commented that as far as, when they originally did this, the reason that these sorts of developments can work out economically for the town is because, again, these are not child-friendly type of developments. They are small lots, small outdoor spaces, many are 2 bedroom or 3 bedroom and they just do not lend themselves to a lot of small children in there. Secondly, when they can take something like this and keep the maintenance of the roadways, the drainage private, this is 1200, 1500, 1800 feet of roadway that the city is not going to be responsible for maintaining in the future. Mr. Swift commented that he thinks that is a big deal for saving the town money in the future. He concluded his comments.

Atty. Thomas stated that on the driveway, he clarified that the emergency access gate at the entrance to the development is not gated at Walnut Avenue because the people have to enter it. He isn't familiar with the documentation but he is assuming that the owners of that property that use it would have to maintain it; however, the unique thing here as he explained to his client, if this development goes through, the Homeowner's Association and whoever they hire to plow

the roads would have to check it and if the owner of the adjacent property doesn't clear it the responsibility would be on the Association to make sure that it is clear because it is an emergency access easement. Its use as an emergency access easement would be remote and only in a situation where the main road was blocked. Other than that, Atty. Thomas stated that he thinks that they have included and responded to the issues.

Chair Parkins requested information previously discussed with the Traffic Engineer.

Mr. Sullivan responded in regard to the location of the tubes placed on the road. He stated that the best information he could give them is that it was between the proposed driveway and Walnut Avenue – so somewhere within that 400 foot section.

Chair Parkins asked the Commissioners if there were any other questions for the Applicant.

Comm. McGorty asked if a price point on these models had been mentioned at all.

Atty. Thomas responded that at the last meeting, the talk was in the low \$400K, give or take. He added that obviously the market generates that and that was the market intent.

Comm. McGorty asked if the thinking was that these won't be family-type dwellings with young kids.

Atty. Thomas responded that there is always the possibility, if you go through the cluster developments in town, there are pockets of children so you can't guarantee that there would be no children. He thinks that more than likely it is a situation where a younger couple moves in and develops a family. They have tended to be not the kind where family moves in. They would also attract adult-oriented, empty nesters; so, there is the possibility of children. There's no doubt about it. People talk about bedrooms – at the last meeting, the Chair did the math on it and came up with 67 bedrooms. If you did a combined R-1/R-2 and came up with even 15 homes, you are talking 60 bedrooms.

Atty. Thomas commented that the Partnership for Strong Communities has pretty well determined, and you can go on their website, if everybody is concerned about children. The number one impact on school systems, and by the way enrollment is declining and capacity is increasing, but the number one impact is 4-bedroom colonials. This misnomer, yes there will be kids, but the last time he checked, kids aren't that bad, but the greatest impact upon the school system in the studies that have been done over the last 20-25 years come from 4-bedroom colonials in a situation – and one person said "let's just make them all one acre zoning..." that is something that you have no control over. Atty. Thomas stated that you could have 15, 4-bedroom colonials on that site and have 30%-40% more children, you don't know.

Comm. McGorty responded he knows and he agrees. It was just mentioned that these wouldn't be family-type and he was just curious to see if it was cost prohibitive that they be so expensive or why they wouldn't be. Intuitively, you would know that there would be some kids there.

Atty. Thomas commented there can be but they aren't going to be as attractive. Children, school systems – neighborhoods tend to rotate in and out, it gets old, people move out...and that is the way it is generated, not by subdivisions.

Chair Parkins commented that if there are no further questions from the Commission, she asked for a motion to close the public hearing.

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

Chair Parkins reminded all Commissioners that they can no longer accept or have any discussion with members of the public regarding this application until they vote on this. She told members of the public that they cannot contact any Commission members to discuss this further and they cannot accept any additional letters. She indicated that the hearing has closed and she reviewed the Commission procedures for having a discussion of this application, probably at their next regular meeting on 12/9/14. She reiterated that the public should check the online agenda to make sure it is planned for discussion, the public can attend but cannot comment during the Commission's discussion. Chair Parkins called a brief five minute recess at 8:20 p.m.

An audience member asked if the next meeting would be December 9th.

Chair Parkins responded yes but indicated that people should check the online agenda to make sure Application #14-24 will be a discussion topic before coming out for the meeting. She reiterated that it would be discussed amongst the Commission members only at that time.

Recess 8:20 p.m. – 8:25 p.m.

Chair Parkins resumed the meeting with Old Business and Applications for Certificate of Zoning Compliance.

OLD BUSINESS
APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #0153: ICD CREATIVE SOLUTIONS, 132 CENTER STREET, BUSINESS & SIGN

Mr. Schultz indicated that this for 132 Center Street. The previous tenant was the antique store/pawn shop at (inaudible). This is for a retail clothing shop, 1200 square feet leased area, one employee, Monday through Friday, 9 a.m. to 8 p.m. and Saturday, 9 a.m. to 8 p.m.

Chair Parkins asked if this was next to the tattoo place or that store.

Mr. Schultz responded next door to that, the store. He presented a rendering and indicated that they also have the non-illuminated sign "Creative Studios," 2' x 3' and it is blue and white.

Chair Parkins asked where they planned to put the sign.

Mr. Schultz responded it would be right above the door.

Comm. Tickey asked if it would be both of the signs shown.

Mr. Schultz responded no, just the bottom one.

Comm. Harger asked for clarification that this store was for clothing.

Mr. Schultz responded yes, clothing.

Chair Parkins asked if they know about no signage on the windows, etc. Mr. Schultz responded yes.

Comm. McGorty asked what type of clothing and if it was a thrift shop.

Mr. Schultz responded like T-shirts.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #0153.

SEPARATE #0154: JOHN WATTS, 235 CANAL STREET, BUSINESS

Mr. Schultz indicated that Mr. Watts wants to occupy his building, Apex Tool. He wants to occupy 1200 square feet, 2 employees, hours of operation 7 a.m. to 6 p.m. on Monday through Friday for his construction company, Watts Construction.

Chair Parkins asked if that building was habitable.

Mr. Schultz responded yes.

On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to approve Separate #0154.

SEPARATE #0161: JOHN UNKEL, 415 HOWE AVENUE, STE. 327, BUSINESS

Mr. Schultz indicated that this is for Furan's Full Entertainment and they are a record label/artist management company at 415 Howe Avenue, Suite 327. They will occupy 20 square feet, one employee

Comm. McGorty asked for clarification that he said 20 square feet.

Mr. Schultz responded yes, 20 square feet.

Comm. McGorty commented that it must just be a desk. Someone else suggested it might be a restroom.

Chair Parkins asked what type of records management and if it was recording equipment or management of records, like documents.

Mr. Panico indicated that it is just an office occupancy.

Chair Parkins reviewed the paperwork and commented that it says record label/artist management so he is probably a PR guy or an agent – a recording agent.

Comm. Tickey commented that it was only 20 square feet.

Mr. Panico told Rick Schultz that something sounded incorrect there.

Comm. Dickal indicated that she thought they should table it for more information.

Comm. Harger commented that it is probably more like 200 square feet.

Comm. Dickal motioned to table it until they get more information.

Comm. McGorty disagreed and stated that there was nothing wrong with the use. It is not like it is a prohibitive use.

Chair Parkins agreed, but whether it was 20 or 200 square feet, they need to clarify it.

Comm. McGorty reiterated that it was not a prohibitive use and it is good that there is another tenant moving into that building. The use is fine.

Chair Parkins agreed that the use is fine.

On a motion made by Jim Tickey seconded by Virginia Harger, it was unanimously voted to approve Separate #0161.

SEPARATE #0166: ELLEN MORGAN, 865 RIVER ROAD, BUSINESS

Mr. Schultz indicated that this was Bishop Development of Shelton. This is the last building in Shelton on the Stratford town line, right by the Far Mill River.

Chair Parkins commented that it was right where the sporting goods store used to be.

Mr. Schultz indicated that they are leasing 700 square feet, one employee, hours of operation 9 a.m. to 5 p.m., Monday through Friday. It is for a law office.

Comm. Harger asked if this was on the second floor.

Mr. Schultz responded yes.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #0166.

SEPARATE #0088: R. D. SCINTO, 2 ENTERPRISE DRIVE, BUSINESS

Mr. Schultz indicated that the former tenant was CDW. This is now the Jackson Law Group, a law firm leasing 3474 square feet, 8 employees, hours of operation 7 a.m. to 7 p.m., Monday through Friday.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to approve Separate #0088.

SEPARATE #0167: ARRIE OLIVER, 33 RIPTON ROAD, BUSINESS & SIGN

Mr. Schultz stated that as the Commission is aware, AT&T was bought out by Frontier in Connecticut. This is the SNET Building on Ripton Road.

Comm. McGorty commented that he didn't know if AT&T was bought out by Frontier – they sold off that business unit.

Mr. Schultz responded yes, that portion of it and he has some (inaudible)...

End of Tape 1B, 8:34 p.m.

Chair Parkins commented that AT&T doesn't (inaudible)...

Mr. Schultz indicated that in looking at the paperwork, Staff wants to table this because they have the Bridgeport Avenue location too. He wants to speak to this Applicant to clarify because they have two sites – Ripton Road and Bridgeport Avenue and he wants to coordinate it. This is a work in progress.

On a motion made by Nancy Dickal seconded by Virginia Harger, it was unanimously voted to table Separate #0167.

SEPARATE #0159: RAMON PERALTA, 431 HOWE AVENUE, SIGN

Mr. Schultz presented a sign rendering to be placed on the Schaible building where Minutemen is located. Peralta Design is looking to erect a wall sign that would be the same size as the Minutemen Press sign. It will be to the left of the main entrance and it will be 12" x 96", non-illuminated. Mr. Schultz reiterated that it would be consistent with the Minutemen Press signage.

Comm. Harger asked if that building would now be fully occupied with tenants.

Mr. Schultz responded yes, that is his understanding.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #0159.

SEPARATE #0168: VERACE-SHELTON, LLC, 100 CENTER STREET, BUSINESS & SIGN

Mr. Schultz stated that Matt Calandro was present to address the Commission to occupy the basement that Center Stage was located in. He will discuss occupancy, number of tables, and he is also changing the Verace name because of a conflict with another company in New York State.

Matt Calandro, representing Verace-Shelton, LLC addressed the Commission. Mr. Calandro discussed the sign name and that they would use the existing signage that they have which are box signs. The large sign rendering on the top of the page will be located at the front of the building and the medium sign will face the parking lot and the smaller sign faces Howe Avenue. He indicated that it would be an illuminated sign, standard using Lucite. It will be opaque so it will be lit up in the evening. He concluded the info on the signage change.

Comm. Harger asked about the name of the business is changing altogether.

Mr. Calandro indicated that they have a Cease and Desist from Versace New York, as many of them know. They reached a settlement agreement about three months ago so now they are proceeding down the road.

Comm. Harger asked about the name Calarosa.

Mr. Calandro responded that “Calarosa” means “warm-hearted.” It is also a combination of his last name and his wife’s last name.

Comm. Tickey commented that was great and that he loved the logo. All of the Commissions agreed.

Mr. Calandro thanked the Commission.

Chair Parkins asked if he researched that.

Mr. Calandro responded yes and joked that he also researched the other one too. It is just (inaudible)...that is where they ended up.

Chair Parkins asked if they would be putting one sign on the front and one on the side.

Mr. Calandro responded that they would be in the same locations.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve signage for Separate #0168.

Mr. Calandro thanked the Commission and referenced the next page of his application for the banquet facility that Rick Schultz mentioned. This is in the basement of Verace and it will be part of Verace and it will not be open to the public during normal business hours. He indicated that it would be used for private parties and private events. It will give them the flexibility to do fundraisers which they have already done quite a few of – they did one for Booth Hill about three months ago that raised \$5000 and they are doing one for Mohegan in about a month or two.

Mr. Calandro indicated that this is not an extension of the Verace business as far as them using a la carte dining downstairs. This is going to be for private parties. He referenced the layout that will be two dining rooms with a service bar in the center. The occupancy will be about 75 people. They will use 60” rounds; it is going to be a flexible layout so if they need to move some things around they can. He commented that is basically what they are trying to accomplish down there. It will give them a lot of opportunity to give back to the community as well as service their patrons.

Chair Parkins asked if this was downstairs.

Mr. Schultz responded that Center Stage used to be there.

Comm. Harger added that was where they had the rehearsal room.

Chair Parkins asked if the food was carried up and down the stairs.

Mr. Calandro responded yes, that is right and that is why they are not doing a la carte business. It will be trays, buffet-type service.

Comm. Harger asked about handicapped access.

Mr. Calandro responded that there is no handicapped accessibility; obviously, going down the stairs but there will be bathrooms down there with two commodes in each.

Chair Parkins asked if that was acceptable with the Building Code.

Mr. Schultz responded that they will have to get a waiver.

Mr. Calandro responded that there are several restaurants with upstairs locations in town so he would assume that it was acceptable; he hasn't done due diligence but he would assume that is the case.

Comm. Dickal asked what would happen if there were a situation downstairs and people were trapped. She asked if there was a way to get out.

Mr. Calandro responded that there are three exits.

Comm. McGorty commented that was a different issue though.

Chair Parkins indicated that would be something that he needs to find out. It is not the purview of this Commission but she suggested that he ask.

Comm. McGorty commented that he thinks that there are still plenty of places that are not handicapped accessible.

Chair Parkins asked if he would be doing this while having normal business hours. She asked when he would be offering this.

Mr. Calandro responded that it would be flexible. It would be private parties and private events as opposed to being Verace. Private events such as a fundraiser for a school, a black-tie affair that they are planning for mid-February and things like that. The point is that this is not going to be an extension of the dining room. If they have overflow upstairs, they won't be sending people downstairs.

Chair Parkins asked what he would do about parking if he was catering a party with 75 people.

Mr. Calandro responded they would do exactly what they have been doing for the last three years. They have a lot attendant on duty and he himself has valetted the cars if he needed to. He runs them down to the Slab, if needed. His ultimate goal, and he talked to Rick about this, is to eventually provide a valet service for the entire community where they could use the Verace lot as a staging area for everybody. This is an idea for down the road once he gets this thing accomplished. He stated that in the midterm, they are the only one in that location that does have parking, 40 spots and redid the lines to get more flexibility. They are blocking employees in with their cars on Friday evening when the area is booming, stacking cars three or four deep, if needed. If it gets to a situation where they need to make some changes then they will have to hire a valet and valet cars back and forth then they will do that.

Chair Parkins indicated that she was not so much concerned on Sunday through Wednesday but Thursday, Friday and Saturday it is really busy. There are a lot of other businesses downtown that they have to consider. There is only so much parking available for them. If he has an event with 75 people coming in – then there is no parking. If they come at 5 p.m., there is no parking.

Comm. McGorty commented that at least he has a good amount of parking for himself.

Chair Parkins responded yes, but it fills up for just his restaurant.

Comm. Dickal commented that if he has his business upstairs and another party downstairs...

Chair Parkins stated that they have to leave that up to the businesses to work that out. If he finds it is going to be a problem, he'll have to stop catering on Fridays or when it is really busy. He'll have to know it is not going to work and people can't park and get to the event then they won't be happy.

Mr. Calandro agreed.

On a motion made by Jim Tickey seconded by Virginia Harger, it was unanimously voted to approve the business occupancy for Separate #0168.

SEPARATE #0169: LIQUID LUNCH, LLC, 434 HOWE AVENUE, EXPANSION OF HOURS/LIQUOR PERMIT

Mr. Schultz indicated that the current hours for Liquid Lunch are 10 a.m. to 3 p.m. Monday through Saturday and the new hours of operation would be from 10 a.m. to 10 p.m. Monday through Friday and Saturday/Sunday 8 a.m. to 10 p.m. The Applicant is also requesting beer and wine. Michele Bialek is here if the Commission has any questions.

Mr. Schultz indicated that Liquid Lunch is 1600 square feet, 10 employees. The request is for an extension of hours and beer/wine.

Chair Parkins asked if they didn't already serve beer and wine.

Michele Bialek, owner Liquid Lunch, 434 Howe Avenue, Shelton addressed the Commission. Ms. Bialek responded no, it was BYO.

Comm. Harger asked if this was the same footprint.

Ms. Bialek responded yes.

Comm. Tickey asked what the Saturday hours were.

Comm. Harger responded 8 a.m. to 10 p.m.

Ms. Bialek indicated that they would be doing brunch on Saturday and Sunday.

Comm. Dickal stated that anything positive for downtown is a good thing.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to approve Separate #0169.

APPLICATION #14-16: PETITION OF DOMINICK THOMAS ON BEHALF OF 140 BPT. AVE., LLC FOR APPROVAL OF PDD ZONE CHANGE AND FINAL SITE DEVELOPMENT PLAN (MIX USE: RETAIL AND APARTMENTS): 140 BPT. AVE. (MAP 105, LOT 163), CB-2/R-5 DISTRICTS (PUBLIC HEARING CLOSED ON 9/9/14).

Mr. Schultz indicated that the Commission has a favorable resolution which Mr. Panico will read.

Chair Parkins indicated that the record would show that Comm. Pogoda was not here for the discussion of this application or the public hearing so Comm. Osak will act as alternate.

Mr. Panico read the P&Z Resolution for #14-16 for 140 Bridgeport Avenue.

***See attached P&Z Commission Resolution Report for Application #14-16, Approval of PDD Zone Change (#80) and Final Site Development Plan (Mix Use: Retail and Apartments) dated November 12, 2014.**

Comm. Harger asked for clarification on Page 1 about one of the neighboring property not being a Gulf Station but a Shell Station. Mr. Panico made the modification to the resolution.

Chair Parkins requested a motion for discussion purposes. Comm. McGorty motioned and Comm. Harger seconded.

Mr. Panico indicated that it was pretty straightforward.

Comm. Harger commented that she thought it was a good fit for the neighborhood.

Chair Parkins took a roll call vote.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously roll call voted (6-0) to approve the resolution for Application #14-16.

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 PODC, 500 AND 510 RIVER ROAD, (MAP 54, LOTS 33, 44 AND 2), (PUBLIC HEARING CLOSED ON 10/28/14).

Mr. Schultz indicated that before Mr. Panico reads the draft resolution, the Conservation Commission submitted a letter to the Chair dated 11/12/14.

He provided copies to all Commissioners and P&Z Secretary, Comm. Harger read it into the record.

***See attached correspondence dated November 12, 2014 to Chairperson Ruth Parkins, P&Z Commission from Thomas Harbinson, Chairman, Shelton Conservation Commission.**

Chair Parkins asked for clarification that this was not new correspondence from the City Engineer.

Mr. Schultz responded that was already in the record.

Chair Parkins commented that when they closed the public hearing they discussed this and had a consensus to move forward with a favorable resolution on this and Staff has done that. She asked Mr. Panico to read that into the record for discussion purposes.

Mr. Panico commented that this report took a little more time than the other one and he read it into the record.

***See attached P&Z Report Resolution for Application #14-19: Petition of Water's Edge of Shelton, LLC for Modification of PDD #78 Boundary, Detailed Development Plans, CAM Site Plan and Approval of Revision to Land Use Category of the PODC, 500 and 510 River Road dated November 12, 2014.**

Chair Parkins requested a motion for discussion of the resolution. Comm. Harger motioned and Comm. McGorty seconded.

Comm. Harger stated that she thinks that this went through the review process with all of the Boards and the deciding factor for her was that the State DEEP didn't find anything cautionary.

Chair Parkins added that there is also the fact that this was approved by Inland Wetlands and their review is separate from P&Z.

Comm. Harger agreed.

Chair Parkins stated that she knows that there were a couple of comments made about taking away business but her feeling is that when you are driving a boat along the river enjoying the scenery, she would rather see beautiful homes instead of the industrial buildings or boatyards that are down there. She added that she didn't find them attractive either. She commented that taking this little parcel out of light industrial is not necessarily...changing the zone on this ½ acre parcel is not really stopping light industrial. If anything, it is improving that area.

Chair Parkins commented about the Conservation Commission and that they respect the opinion of all Boards and Commissions. They don't necessarily always agree with them and they all have their own purviews, thoughts and opinions based upon what they are charged with doing. In regard to the suggestion that the area along the river should be permanently protected by a full standard conservation easement held by the City, in most cases the City does not want to take ownership of these conservation easements. The City has been pretty adamant in a couple of locations where the development has had to take control. She indicated that other than putting a conservation restriction on it, the Association maintains control of it and also maintains responsibility for the upkeep of it. She provided the example of Shelton Cove. She added that in some cases, while it may be ideal to have that happen, it is just not likely.

Chair Parkins added that she also believes it was pretty well stated by the residents down there that they don't want any access for the public in that area. She added that there were resounding comments about it that they heard over and over again for this development.

Mr. Panico pointed out that although this ½ acre of land is vacant, because of its topography, it does not in any way contribute to the economic viability of the industrial complex. He added that they couldn't expand the industrial complex onto this site. It doesn't lend itself. The only reason it works in this case is because the developable land is being created down low at an elevation consistent with the rest of that development. Mr. Panico indicated that it was 12 -15 feet below the parking lot so they can't even expand parking. For them to expand that parking lot, it would require 30 foot high retaining walls built along the edge of the River. He added that he didn't think the Commission would support that proposal and he doesn't think that they are confining or negatively impacting that residential site. The residual residential parcel has just as

much economic viability after this is done as it had before. He tried to include that in the report using different wording.

Chair Parkins commented that the resolution does state that it is vacant at the rear corner of the industrial facility so it will be on record that there is an industrial facility on that property.

End of Tape 2A, 9:22 p.m.

Mr. Panico stated yes, absolutely and they recognize that. Their retaining wall proposal has not only plantings for screening and buffering but also for (inaudible)...

Chair Parkins commented that they did look at options of moving it but she would hate to see the building moved to put the parking in the front. It is just not a viable option and she thinks that would look terrible, especially from the river side. No one on the road can see it anyway so that doesn't matter.

Mr. Panico responded that would only accomplish one thing to get the building further away from the water but the visual impact is not diminished.

Comm. Tickey commented that to that point, at the last meeting, he was not in favor of moving forward with a favorable resolution so he is going to be consistent tonight with his feelings toward it. As Chair Parkins said, he agrees that they look at and appreciate each of the Boards and people that they hear from but even though some have viewed it favorably and others have had concerns, initially like the City Engineer and like the Conservation Commission now, he shares those concerns and most of them lie with the proximity to the river. He doesn't know if it would be 120 feet or something smaller than that, but he knows that the 15-20 feet that is cited to him is something that he isn't comfortable with and he doesn't think it treats the character of the land as it should be. It is frankly too close to the river and the waterfront so he comes at it from the same perspective that he did the last time they talked about it. He is consistent in his view of not being in favor of this expansion toward the river.

Comm. Dickal commented that she is also in opposition to this. As she said last time, she feels it is unnecessary to add three extra units because she believes it is just geared to more profit. She agrees to a point that they would like to see more houses as a scenic thing traveling down River Road but there comes a point where they have to say "whoa" and take a step back and keep the project as it was proposed. She reiterated that she was opposing it as this time because she thinks it is overkill and merely being done for profit.

Chair Parkins commented that there was a benefit of having 300 or 400 truckloads, at minimum, not coming into the site with that amount of fill so she thinks that alone will be very appreciated by the businesses and residents that live along there. She added that she would appreciate it if she lived along there.

Comm. Dickal responded that she thinks that is absolutely true but she also thinks that is going to be a temporary thing. She thinks that long term is what they need to look forward to.

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

On a motion made by Virginia Harger seconded by Thomas McGorty it was roll call voted (4-2) to approve Application #14-19. Comm. Tickey and Comm. Dickal voted in opposition.

Mr. Schultz indicated that the developer has some comments for the Commission and adjustments to the building renderings.

The developer (unidentified) asked Chair Parkins if they have a minor modification, could they work with Staff on those issues.

Mr. Schultz commented that this was the building footprint.

The developer responded yes.

Mr. Panico stated that it is primarily to make sure that they were comfortable with the design of the retaining walls, the specific elevations, the landscape buffer and fencing – that is the critical area.

Chair Parkins asked if there was a footprint change though.

Mr. Panico responded no, they are keeping it exactly the same as the others so that they are consistent.

Chair Parkins commented OK.

APPLICATION #14-23, SHELTON PROPERTIES, LLC FOR MINOR MODIFICATION OF FINAL SITE DEVELOPMENT PLANS FOR PDD #76 (TALBOT APARTMENTS: ARCHITECTURAL ELEVATIONS), 740 BRIDGEPORT AVENUE, MAP 19, LOT 56).

Mr. Schultz commented that all of the Commissioners received the color rendering of the building. This evening the final issue is the architectural elevation. The playground is a non-issue now. All of the other changes were addressed at the last meeting.

Patrick O’Leary, Principal with VHB, 100 Great Meadow Road, Wethersfield, CT addressed the Commission. Mr. O’Leary provided a revised color rendering of the building elevation that they requested. He provided hand-outs for the Commissioners.

Chair Parkins apologized for the long evening and that they had to be last on the agenda.

Mr. O’Leary showed the elevations they had when they started the project and indicated that they were approved as part of the original PDD. Approximately 1 ½ month ago they requested some revisions to the elevations and he provided the building rendering that they used at that time. Mr. O’Leary indicated that he heard the Commission loud and clear and this drawing will never see daylight again. It will go back and it is just disappearing. He commented that they went back and worked with the architect and he presented another revised rendering of the building elevation. He compared it to the originally approved building elevations.

Mr. O’Leary indicated that the primary difference between these two sets of elevations are relative to the roof line. In looking at the roof line going across they are gabled. When you look at it head on...basically what you are not capturing is if you look at it sideways, you will see the siding in there, the fascia boards and that probably won’t look right, or as right in their opinion as having a continuous roofline across there. He knows that when you look directly at it, from an aesthetics standpoint, it looks good and there is elevation relief across there, but when you

move diagonally and sideways on this structure, you end up seeing the sides of these and they are gabled sides and it won't look well.

Mr. O'Leary stated that in addition and from a functionality standpoint with respect to it, the more changes you have on this roofline, the greater the possibility of leaks and things of that nature. It just won't wear as well. These are things that kind of evolved. There was no intent at any point to misrepresent but as they go through the construction process in developing the construction documents for the project and other architects and structural engineers get involved in it, they ask who was thinking about how this detailing would fit together.

Mr. O'Leary commented that to that end, they would respectfully request approval of these final elevations. They have added a couple of canopies over here to break up the front façade. They were originally a little bit smaller and they've enlarged them just a little bit.

Chair Parkins asked if they were functional entryways.

Mr. Bill Griffin, Project Manager, addressed the Commission. Mr. Griffin responded that they were functional.

Chair Parkins asked if there were three entrances then.

Mr. O'Leary responded by showing the primary entrance and explained that it would go into an area where the elevator is located. In the original drawings, you go in from one of the two doors, walk down a hallway and take a left to get to the elevator where the entry area was. This will provide direct access and they will be able to put in some seating areas around the elevator now and have something that is prominent so when you walk in it is not just a hallway.

Chair Parkins asked if there would be some sort of intercom.

Mr. Griffin responded that it was going to be a wide lobby with the elevator right in front of you, some seating. He reminded them that this building was 170 feet long so to just have entrances there and there and having to walk down to the elevator didn't function properly and didn't look right. He commented that now there is a center court, so to speak, people come in that way, they have a lobby to go into.

Mr. O'Leary commented that the roof height elevations are the same between the two because they are using the same pitch roof as this one. What is basically happening is - that they are not capturing on here - the gable is actually getting a little smaller because they have the bump-ins and the bump-outs, the area of the bump-ins is where the gables get smaller. They are picking those up architecturally. He showed the location of the breaks in the building where they are picking it up and adding on the gable ends in the front side of it. He indicated that you still get the same benefit of the elevation relief all the way across here, you can see all of the balconies here. The bump-outs are exactly the same as shown on the other drawing with the primary change being the nature of the roof line.

Chair Parkins asked about the treatment for the people on the ground level with the sliding glass doors and the patio area, their balcony. Chair Parkins asked how they were protected from those entryways for privacy or were they not protected. She asked if they would just have lower rents.

Mr. O'Leary responded that they are recessed to begin with so in looking at the front elevation, they aren't at the same level. He referenced the shaded area indicating that they were recessed. They have wall separating between them and all of the balconies are recessed. It goes back out and goes back in where the windows are.

Comm. Harger commented that it was not a flush front.

Mr. O'Leary responded correct, it is not a flush front.

Mr. Howard Rappaport, Principal with Shelton Properties, LCC addressed the Commission. Mr. Rappaport stated that they also put a rail there too (inaudible)...

Mr. O'Leary commented that they were talking about sideways when people come walking in.

Chair Parkins stated that they essentially have the same amount of space as the balconies do but rather than a guard rail in front of it, it's (inaudible)...

Mr. O'Leary stated that the materials have reverted back to those of the original elevations here so the board will be hardiplank and (inaudible) back to the original materials that were presented and approved for the project.

Chair Parkins responded thank you.

Mr. Griffin stated that basically the only change they have is the front lobby and the roofline. It is the same pitch.

Chair Parkins asked about the windows on the top and if they were just façade.

Mr. O'Leary responded that is correct. There are no units up there.

Chair Parkins asked if it was accessible attic space.

Mr. Griffin responded that it would be accessible for fire control and things like that only. No storage or other purpose, recreation, etc.

Comm. Harger commented that they have seen the front side many times and asked about the backside of a building like this.

Mr. O'Leary responded that it would be the same architecture.

Comm. Harger asked if that included the three entrances.

Mr. O'Leary responded no, it would exclude the three entrances. There are no entrances on the back. From an architectural standpoint, you still have the bump in and bump out.

Chair Parkins asked about the exits.

Mr. Panico responded that if he remembers correctly, it was a pretty symmetrical building.

Mr. O'Leary indicated that the emergency accesses are on the sides.

Comm. Dickal asked if you could access out through the back if you wanted to.

Mr. Griffin responded no, from the sides.

Chair Parkins asked where the stairs were located.

Mr. Rappaport explained that the ingress and the egress is controlled all through the front here so there are no...

Chair Parkins commented that there has to be stairs in there. She added that you can't use the elevators in a fire.

Mr. Rappaport responded that they have stairs and he pointed out their location on the drawing.

Comm. Harger commented that after they go down the to the lower level, they go out the front entrances.

Chair Parkins asked if there were two extra fire exits, if you will, on the bottom level on the sides.

Mr. Griffin responded yes there is.

Mr. O'Leary pointed out the two emergency access points with one on each side of the building. He commented that originally they were in the rear, not the side, and they had a sidewalk circulating around...

Chair Parkins asked if they were designated as fire exits though or can anyone use them to go in and out.

Mr. Griffin responded no they are designated fire exits with alarms.

Comm. Tickey asked them to show him on the older and newer renderings, the difference in the roof.

Mr. Griffin responded that it was basically a head roof versus a gable end roof.

Mr. O'Leary compared the renderings and explained that it was the same pitch and same elevation, and same line from a construction standpoint.

Chair Parkins commented that it looked much cleaner.

Mr. Griffin responded that it was much safer.

Chair Parkins stated that she can appreciate not wanting roof leaks because her condo leaks constantly.

Mr. Panico asked for clarification about the access to the building. He asked if the main lobby was going to be the only point of access to the building.

Mr. Griffin responded no, there will be three and he showed the other front access locations on the drawing. He added that it was also where the staircases are located.

Mr. Panico responded OK. Also, through any of the ground floor units with sliding doors.

Mr. O'Leary responded yes, theoretically.

Comm. McGorty asked about the two entrances and if they can go to the main entrance.

Mr. Griffin responded yes, it goes right through the center of the building.

Comm. Dickal asked if this is the set-up for each building.

Mr. Griffin responded yes, they are all identical.

Mr. O'Leary added yes, all six buildings.

Comm. McGorty commented that it looks good.

Comm. Dickal agreed that it was much improved.

Chair Parkins asked Mr. Rappaport about the railing he said would be put up on the ground levels.

Mr. Rappaport responded that they often do that although these drawings aren't showing it.

Mr. Panico commented that he is speculating if it is good or bad to go from those ground floor units directly to the outside and vice versa.

Chair Parkins indicated that it provides a little bit more privacy and protection for people living in the units to have the same treatments that is up above with the rail straight across so that they would have to hop over it – they could if they wanted to but just to have something more for privacy. She added that people would be less likely to just walk up there (inaudible)...ground level fencing on the patio, the same treatment as up above.

Mr. Griffin responded that would not be a problem.

Mr. Panico commented that otherwise you get the feeling that someone walking on the ground could walk right up to your slider.

Mr. Griffin commented that they were ready for permits last week but the Building Inspector has been out. He added that they are ready to go on Building #4 and the Club House at the same time.

Chair Parkins asked for a motion to approve the modified exterior architectural treatment.

Mr. Schultz indicated that Comm. Pogoda would be abstaining from the vote.

Chair Parkins asked why Comm. Pogoda was abstaining and he responded that he denied the project.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was voted (5-0-1) to approve Application #14-26. Comm. Pogoda abstained from voting.

PUBLIC PORTION: ANYONE WISHING TO ADDRESS THE COMMISSION ON ANY ITEMS NOT ON THE AGENDA

Thomas Harbinson, 15 Soundcrest Avenue, Shelton addressed the Commission. Mr. Harbinson referenced Robert's Rules of Order and informed them that if someone abstains from voting they don't have to give a reason but if they are recusing themselves then they have to say why they are recusing themselves.

Chair Parkins thanked him for the clarification.

Mr. Harbinson indicated that he has served on the Conservation Commission for 16 years and with all due respect to the Board, when this Commission says that they respect other boards that means that you give them more than three days to comment on an application.

Mr. Harbinson stated that he had a couple of comments about the application that they just approved. He knows that this is on their agenda but since they approved it, he thinks he should have some leeway to speak about it because if he can't speak now, he'll just speak at the next public portion. He indicated that your motion said that you are very familiar with the area but at the last meeting, your Planning Consultant said that he had not visited the site. He added that he is assuming that has happened since then. He knows that the Conservation Commission met there in May and they walked the site extensively including the area that was...

Mr. Panico interrupted Mr. Harbinson and stated that when he referred to this site, he was referring to the ½ acre addition. This Commission, virtually every member of this Commission and the Staff has been on the site of PDD #78 many, many times so don't create the wrong impression. He stated that he did not have an opportunity to go beyond the boundary of the original approval. He needed to satisfy himself as to the physical conditions and he did that between the time he made that statement and this evening.

Chair Parkins asked Mr. Harbinson if his comments could be a little bit less accusatory and a little bit more...

Mr. Harbinson commented conciliatory.

Chair Parkins responded not conciliatory.

Mr. Harbinson stated that when they visited the site in May, all of the stakes on this expanded area existed so he thinks that should be noted. Also, the comment in your motion that there are no adverse effects on natural resources, he finds puzzling since there is a significant river frontage with natural vegetative specimen trees. If the sole purpose of this Commission is economic viability increases that is an unfortunate circumstance because the reason that Shelton is attractive to development is because it is a balanced community. If the Commissions are directed to fast track applications at the detriment of proper view that is also unfortunate. The Inland Wetlands Commission decided not to include Staff Reports in their minutes and with three days to review an application, it made their review much more difficult. The DEEP, in their review, was told that it was simply a boundary change and their reply was a one sentence email. He concluded his comments.

Comm. Harger asked if Rick had access to the history of when this application was presented.

Mr. Schultz responded that as he indicated, the Conservation Commission meets the Wednesday before this Commission meets.

Comm. Harger asked when this application started though.

Mr. Schultz responded that they got this application, the actual plans late. P&Z was the following Tuesday and the referrals went out.

Chair Parkins asked if Inland Wetlands Commission met before their meeting.

Mr. Schultz responded yes.

Chair Parkins commented that they had the same information then. She asked if it was the same information that P&Z received.

Mr. Schultz responded not in its entirety, no. The Conservation Commission got what P&Z got, not Inland Wetlands.

Chair Parkins asked what Inland Wetlands got.

Mr. Schultz responded the three new buildings. This Commission gets other detailed information such as landscaping, retaining wall information and that type of thing.

Chair Parkins asked if Inland Wetlands makes any referrals out.

Mr. Schultz responded no and they did not have a public hearing. No notices went out like P&Z does.

Chair Parkins commented that they did indicate that they would take their comments into consideration and they did. She asked if there was anyone else in the audience wishing to address the Commission on any item not on the agenda. With no one, she asked for a motion to close the public portion.

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

NEW BUSINESS

APPLICATION #14-26: PETITION OF CT COMMERCIAL INVESTORS, LLC FOR MODIFICATION OF PDD #24 INCLUDING STATEMENT OF USES AND STANDARDS (SIT DOWN RESTAURANT) AND REVISION OF DETAILED DEVELOPMENT PLANS, 705-711 BRIDGEPORT AVENUE: ACCEPT AND SCHEDULE A PUBLIC HEARING.

Mr. Schultz recommended Wednesday, January 28th which is the same night they will be considering the chicken regulations.

On a motion made by Nancy Dickal seconded by Thomas McGorty, it was unanimously voted to accept Application #14-26 and schedule a public hearing for Wednesday, January 28, 2015.

OTHER BUSINESS:

AUTHORIZATION FOR FUNDING OF DOWNTOWN CONSULTING SERVICES

Chair Parkins referenced the article in the Shelton Herald regarding the Mayor's desire to look at that block in its entirety as the Matto's come forward with their application. She added that in order to get a good idea, they need some professional assistance in doing that so the City is seeking authorization from P&Z to spend the money for a Downtown planning consultant to come up with a conceptual design of that area. Obviously, it would go out to bid and go through the City process but they need to approve the appropriation of funds for planning services.

Comm. Tickey asked if it would go through a bid process.

Chair Parkins responded yes, it would definitely go through a bid process.

Comm. Osak asked if she had any idea of how much that would be.

Chair Parkins responded no, she does not.

Mr. Schultz added that it was a work in progress.

Comm. Osak asked if they have the scope of services put together.

Mr. Schultz reiterated that was a work in progress.

Comm. McGorty commented that he thinks that needs to be done.

Comm. Osak indicated that you can't quote unless there is a scope.

Comm. McGorty responded that the scope is generated and then it goes out for bid.

Mr. Panico stated that he thinks the intent is to do some preliminary investigations to see what direction they are going to go in and what it might entail and then step back and evaluate if they need to bring in additional outside consulting services. Initially, Staff was going to take its first stab at putting some maps together, looking at it and seeing what they need to make a proper recommendation as to what they want to do – go out and get an architect, what do you need, what do you want...

Chair Parkins responded that she thinks that is where they are headed.

Mr. Panico agreed that ultimately, that is probably where they are headed.

Chair Parkins added sooner rather than later though but she thinks it is definitely part of the scope.

Comm. Osak commented that if they ask for some money, get the whole gorilla – he means, don't nitpick it as you go – it is better to spend some time up front to determine what you really need and just go for the bundle.

Mr. Panico commented that the important thing is that things are happening so fast that you can't drag your feet for a couple of months trying to figure out what it is that you are going to do.

Chair Parkins agreed that they have to move forward with (inaudible)...

Comm. Osak stated that he knows that they meet every six weeks, six days or something like that but sometimes you have to meet more frequently and you have to get done what you have to get done. He added that they shouldn't say it is going to take 6 months or 4 months, if you can do it quicker. He stated that was his feeling on it.

Chair Parkins indicated that the DSC meets once a month, at least. They meet with developers, they met with the Matto's and this is more to appropriate the funds to get outside assistance to help look at that whole area in a conceptual manner.

Comm. Harger asked if this consultant would be like a project manager.

Chair Parkins responded no, she thinks it was going to be more of a conceptual architectural concept.

Comm. McGorty commented it was more like a possibility.

Chair Parkins stated that it was going to supplement the planning that is done in house.

Comm. Harger indicated that they would get some input and come up with something as a proposal.

Comm. Tickey commented that when they say the bid process. He served on the Board of A&T and asked if would be that process that goes before that Board or would it be tracked another way.

Mr. Schultz responded that he needs to look into it because there are some provisions for waivers that the BOA can waive. Like Frank said, they are doing their due diligence but it is important that they understand what the objective is here. They heard Applicants tonight, they want to move ahead.

Chair Parkins stated that they all know that it is a very important area, important block and they only have one shot at this and that is now. They have to do it right. They certainly want to work with the Matto's and whatever they can do to incorporate that into the design but they need to know what that block design would look like before they can really approve something of that magnitude.

Comm. Osak stated that they have everything at their fingertips except time. They have to compress it as much as they can.

Chair Parkins responded yes, they do. They could have had a DSC meeting to talk about this and bring it back to the Board for appropriation of funds but that would waste 2 or 3 weeks.

Comm. Osak commented that she was the leader and she should push some buttons.

Chair Parkins responded that she wishes she could – that she had that checkbook button. She requested a motion to authorize funding.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to authorize funding for the Downtown consultation services.

APPROVAL OF MINUTES: 9/24/14; 10/14/14; AND 10/28/14

Chair Parkins commented that the 10/28/14 minutes only printed every other page. Mr. Schultz stated that would be corrected.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve the minutes of 9/24/14 and 10/14/14 and to table the minutes of 10/28/14.

PAYMENT OF BILLS

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

ZBA APPLICATION #1014-4: DISCUSSION AND DECISION ON THE APPEAL OF THE USE VARIANCE GRANTED (OUTDOOR COMMERCIAL STORAGE YARD) ON 10/21/14 FOR PROPERTY LOCATED AT 20 TODD ROAD.

Chair Parkins commented that this is exactly to her point that all of the Boards don't necessarily agree.

Mr. Schultz stated that the ball is in this Commission's court of whether or not to challenge the use variance granted by ZBA. The Legal Notice went in last Friday, the clocking is ticking and they have to notify Corporation Counsel to execute the Notice of Intent of the lawsuit.

Chair Parkins responded that her opinion is that they should appeal it.

Comm. Dickal agreed.

Chair Parkins added that they were very clear in their letter to them and the direction to clean up and get out of there. They gave them more than ample opportunity and they totally disregarded everything that the Commission said.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to authorize the appeal of the use variance granted on 10/21/14 by ZBA Application #1014-4 for property located at 20 Todd Road (outdoor commercial storage yard).

STAFF REPORT

Mr. Schultz provided copies of the P&Z Staff Report to all Commissioners.

***See attached P&Z Staff Report dated November 12, 2014 from Richard Schultz, P&Z Administrator.**

He discussed ZBA Agenda Items for 11/18, CT Citing Council (no news), Zoning Subcommittee, DSC, Zoning Enforcement Issues, Site Enforcement, and status of Sign Ordinance to complement the P&Z Sign Regulations with the BOA.

There were comments in regard to the out of control situation with City-wide Clothing Drop Boxes. Mr. Schultz indicated that he has corresponded with the Police Chief regarding the issue.

Next meeting is a special meeting/public hearing on Tuesday, November 18th at 7 p.m. in the Auditorium regarding zone change on Shelton Road.

ADJOURNMENT

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

Respectfully Submitted,

Karin Tuke

P&Z Recording Secretary