

**SHELTON PLANNING AND ZONING COMMISSION**

**NOVEMBER 18, 2014**

The Shelton Planning and Zoning Commission held a special meeting on Tuesday, November 18, 2014 at Shelton City Hall, Auditorium, 7:02 p.m., 54 Hill Street, Shelton, CT 06484.

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  
    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](http://www.cityofshelton.org).

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

Chair Parkins called the P&Z Commission Special Meeting for 11/18/14 to order at 7:02 p.m. with the Pledge of Allegiance and a roll call of members present. She reviewed the public hearing procedures for the audience and indicated that those wishing to speak should put their name and address on the sign in sheet at the podium. She requested that no cell phones be used during the meeting.

**PUBLIC HEARING**

**APPLICATION #14-20: PETITION OF POND MEADOW, LLC FOR PDD ZONE CHANGE, INITIAL DEVELOPMENT CONCEPT PLANS (20 UNIT MULTI-FAMILY COMPLEX) AND REVISION TO FUTURE LAND USE CATEGORY FOR THE 2006 POCD, 39 SHELTON ROAD (MAP 1, LOT 4), R-1 DISTRICT**

Chair Parkins asked the P&Z Secretary to read the Call of the Hearing for Application #14-20 and any applicable correspondence.

P&Z Secretary Virginia Harger read the Call of the Hearing and five pieces of additional correspondence.

**\*See attached correspondence dated November 18, 2014 to Richard Schultz, P&Z Administrator from James M. Tortora, Shelton Fire Marshal.**

**\*See attached correspondence dated November 13, 2014 to P&Z Chairperson Ruth Parkins from Shelton Conservation Commission – Chairman Thomas Harbinson; William Dyer, Vice Chair; Sheryl Maybeck-Dutkanicz; James Tate.**

**\*See attached correspondence dated November 14, 2014 to P&Z Chairperson Ruth Parkins from Shelton Land Conservation Trust, Inc., President, Joseph Welsh.**

**\*See attached correspondence dated November 18, 2014 to P&Z Chairperson Ruth Parkins from Town of Trumbull; Jamie Bratt, Director of Planning & Development and Frank Smeriglio, P.E. Town Engineer.**

**\*See attached correspondence undated to Shelton P&Z Commission from the Fairfield County Regional Conservation Partnership, Donna Merrill and Bill Labich, Co- Coordinators.**

Chair Parkins indicated that they have also received some correspondence from residents but she'll have public attendees who are present tonight speak before reading those into the record. She asked the Applicant to present.

**Atty. Raymond Rizzio, Quatrello & Rizzio, One Post Road, Fairfield, CT addressed the Commission.** Atty. Rizzio submitted the mailings and indicated that he was representing the Applicant. He stated that this property is a little over two acre piece of property and they are seeking to change it and create an overlay, a PDD pursuant to Section 34 of the regulations. The property is located at 39 Shelton Road. He presented a rendering of the property location. He indicated that the property is in the Bridgeport Avenue corridor which is permissive with regard to their PDD. He pointed out its location on the corner of Huntington Street and Shelton Road. It is 2.18 acres and he showed the location of a residentially zoned property to the north of it and some vacant Aquarian property above it and other property owned by the Water Company.

Atty. Rizzio indicated that they think it is important, and the reason their client decided to seek a PDD on this site, is that they thought it was a natural extension of the PDD's through the Bridgeport Avenue corridor. It is clearly not a case of spot zoning and there has been a precedent all the way down the Bridgeport Avenue corridor. He provided an example across the street, on Huntington Street and fronting Bridgeport Avenue, the Avalon development of 40 apartment units.

Someone in the audience indicated that they couldn't see the map well. Atty Rizzio attempted to shift his presentation over without blocking the Commission.

Chair Parkins indicated to the audience that there was available seating closer to the presentation board on the other side of the room.

Atty. Rizzio commented that pursuant to Section 34, they would have the ability since they would qualify in an area where PDD's are located, PDD's are permissible, which is the Bridgeport Avenue corridor for this site. The property has to exceed 60,000 square feet pursuant to their regulations and they do at 91,000 square feet. The lot coverage can never exceed more than 60% and (inaudible) area ratio no more than 80% should be proposed. The permitted uses are supposed to be specifically set forth in the proposed PDD.

Atty. Rizzio commented that what they have before them is a PDD that the Applicant – and what is nice about their PDD development and their regulation, Section 34, is it gives the right for developers and the town to be creative with regard to what they consider special pieces of property. This property is at a very interesting intersection between Shelton Road and Huntington Street and Bridgeport Avenue and basically where Route 8 connects in at Exit 11.

Atty. Rizzio indicated that their client is seeking to amend the regulations so that they can adopt this PDD at this site. He is seeking to create 20 residential building units and four buildings in which two 4- unit buildings and two 6-unit buildings will be created for a total of 20 units. It would be maximum three bedrooms and shall not exceed a total of 44 bedrooms. The accessory uses would be customary in an R-1 zone. When you look at the principle structures, locations and bulk standards, it is all consistent with what their standards require under Section 34. In other words, the minimum lot area had to be at least 60,000 square feet and this parcel is 91,880 square feet. The minimum frontage has to be 50 feet and this parcel has probably 200 feet of frontage when you wrap around Shelton Road and Huntington Street. The number of stories is no more than 3 ½ and the maximum building height would be 60 feet. It would all be consistent with their zoning regulations, Section 34 with regard to standards in which an applicant can write its PDD. The maximum building spacing would be, minimum spacing has to be at least 20 feet between each of the buildings, so even though they will have (inaudible) in the site plan, you will have ...the reason for the minimum setbacks is that it allows for appropriate spacing which the Commission requires pursuant to the standards.

(Inaudible) floor area cannot exceed 50% by their proposal and the actual standards in the regulations permit 60%. Maximum impervious coverage can be no more than 50% and at least 2 parking spaces per unit. With the covenants and restrictions he's (inaudible) with the application it is consistent with the establishment of a PDD in this location.

Atty. Rizzio stated that this Commission has been really creative and made this Bridgeport Avenue corridor extremely successful. There are a number of different types of uses from Huntington Point commercial strip almost directly across the street and it works its way all the back to where the Marriot is located and the Avalon development. All of this is on basically two commercial roadways that feed the traffic going to Route 8. They think that this is a very attractive use for this site. It is a use that will be attractive for people who commute and attractive to existing residents of Shelton because it will provide another type of housing unit in area close to the location.

The principal, John Guedes, and as they know, John has been instrumental in bringing creative development for the City and he has put together an unbelievable development along the River starting with his trendsetting and visionary development of the Birmingham Condominiums on the Housatonic River. They believe that through John's vision that this is an excellent location for this site. He indicated that he has Larry Edwards, P.E. with him tonight to take them through some of the engineering aspects of the site and he'll address some of the concerns brought up by the City Engineer.

Atty. Rizzio stated that he wanted to make it clear that the Engineering Department has had revised plans and hasn't addressed them. They've had them for over a month so a lot of his comments are from the old plans. For example, the conceptual plan that they'll propose, and Larry will take you through, will show them that the original plan showed a driveway up on Huntington Street and that has now been wrapped around and it is on Shelton Road. For some reason, the City Engineer has had these plans for over month and hasn't addressed that so a lot of his comments are in regard to old plans. He indicated the Larry Edwards, P.E. is here and John Guedes, the designer will take them through the important aspects in regard to how he came up with the design of the project and the location of the project. He commented that most importantly, Dave Sullivan, their traffic engineer – and he knows that one of their concerns is probably about how to handle the traffic at this busy corner. Mr. Sullivan will hopefully make this Commission comfortable about passing this PDD. He introduced Larry Edwards for the engineering aspects of the plan.

Chair Parkins asked for clarification as to the date of the plans that they are referencing.

**Larry Edwards, P.E., J. Edwards & Associates, 227 Stepney Road, Easton, CT addressed the Commission.** Mr. Edwards responded that the date of the plans that have been presented are 9/30/14. He has one minor change on plans, he'll give them new copies and it refers to the issue of how many units there are. Because of a typo, it indicates it is a 6-unit building that is only a 4-unit building.

Chair Parkins asked if the drawings submitted to the P&Z Commission on October 3<sup>rd</sup> were the plans they were referencing.

Mr. Edwards responded yes, except for this unit in this building – he pointed out the building on the site plan and explained it would be four units and not six units. He provided copies of that change for the record.

Chair Parkins indicated that their copies are dated December 31<sup>st</sup>. She asked for clarification that they are all talking about and looking at the same drawings.

Mr. Edwards looked at the drawings given to the Commission and indicated that they were the architectural drawings and may be of a different date than his engineering (inaudible)...

Comm. McGorty asked if they were the most current.

Mr. Edwards asked what the date was on them.

Chair Parkins responded July 28<sup>th</sup>.

Mr. Edwards commented that those are the incorrect drawings and he thinks it has the old driveway on it.

Comm. McGorty asked Rick Schultz if he had a more current copy.

Mr. Schultz responded these were updated subsequent to when the Commission received them. They received these but not the new ones.

Comm. Harger commented that they have the old ones.

Mr. Schultz responded yes, that's right.

Comm. McGorty asked if he got a new packet.

Mr. Schultz no, only an updated full scale, not 11 x 17 copies.

Chair Parkins responded OK.

Mr. Schultz put a full scale copy of the new drawings on the Commission table for review.

Mr. Edwards apologized for any confusion and presented the final set of drawings that they submitted. He commented that he believes they were submitted as a part of the package which shows the access coming out to Shelton Road versus the earlier drawings that showed two accesses, one coming from each road. He indicated that was really the only difference in terms of engineering that was changed. He showed where they eliminated one driveway and put another access driveway out. Everything else in the engineering package is the same as the previous drawings.

Mr. Edwards indicated that as far as submission and preparation of drainage analysis, this is their drainage study (he presented a bound report), which he believes was included as a part of the package along with their Storm Water Management Plan which is required in accordance with the Storm Water Management Manual as established by DEEP.

He highlighted the drainage plan and explained that they had two methods of controlling the run-off from the site in accordance with the recommendations and guidelines of the Storm Water Management Manual; they have taken all of the roof run-off which is considered uncontaminated water and are discharging that into underground recharge basins or galleries underneath the parking lot. Basically, the Buildings A & B will go into one system to the front and Buildings D & C will go into a second system in the back. The run-off from the driveway will be handled by four storm detention basins. He pointed out their locations on the plan and explained that they will control the run-off from the parking areas and tree path before being allowed to discharge into the wetland and watercourse system that runs through the property.

Mr. Edwards stated that overall, based on their analysis, the total peak run-off from the site will be reduced with the implementation of all of the components of the storm water detention system and that has been designed based on storms from 2 through 100 year storms. They have taken, controlled and regulated all of the run-off and they are providing all of the required recharge volumes required by the Storm Water Management Manual along with the amount of volume required in the detention basins to comply with their water control volumes which are part of the Storm Water Management Manual requirements. In terms of the drainage design and parts of the system that are going to be included as a part of this system, it will all be in accordance with the regulations established in their manual.

Mr. Edwards indicated that they also have a detailed Erosion Control Plan which is a part of the set and that includes the method and the sequencing of construction of the site. One of the key components of that which he thinks is important for the Commission to understand, there is wetlands in very close proximity to where they are proposing construction. But as a part of their construction, before they do anything in the area, they are going to be building a wall around the limits of the wetlands which will act as an impervious barrier to any of the development that happens uphill from it. The wall will go in first and they will be putting in the water quality basins and erosion control sediment basins but the key is that they are going to have a wall there that is 4 – 5 feet high around the total limits of the wetlands to provide a strong and permanent barrier to both construction influence and long-term influence that may result from the development of the site.

Comm. Harger asked for clarification as to the type of wall.

Mr. Edwards responded that it was going to be a stone masonry wall so it isn't just a silt fence; they are putting up a permanent wall there.

Atty. Rizzio added that the wall will be subject to a Wetlands permit so that if, as they spoke tonight and more, he thinks in general, for the public than for the Commission, so it doesn't come up...they are just talking clearly about conceptual plans but a main part of their application would be establishing the PDD applicability to this site. Atty. Rizzio reiterated that was all they were really seeking tonight. He asked Mr. Edwards to expound on the fact, and state for the record that there will be no negative impacts resulting from this development that will have any dangerous consequences to the property owned by the Shelton Land Trust.

Mr. Edwards commented yes, based upon their drainage analysis and their storm water management plan implementation there should be no adverse impact as a result of the drainage runoff and site development to downstream properties. He added that is something that they have to comply with in developing their storm water management plan.

Comm. McGorty asked about him saying that the wall would have to be approved by the Inland Wetlands Commission.

Atty. Rizzio responded yes this just relates to them making the overlay zone, the PDD applicable to the site, granting of that application does not do anything to obviate the need to go for or invalidate the need to go for Wetlands. This is the start, basically, having a zoning plan; in effect the PDD creates the regulation that makes an application.

Comm. McGorty responded yes, he understands that but he would like to hear how they weigh in on that. He added that they are going to wall in a wetland and it could adversely impact that wetland.

Atty. Rizzio responded correct and what will happen is – and he certainly isn't preaching to the Commission, but knowing that there are people here that have questions in regard to the process – when they set the ground rules for this property and basically say no more than 10 units per acre can go here and they come in with their conceptual plans of what they would like to see. Their final plans with regard to site disturbance need to be passed by the Wetlands before their final plans come back to this Commission.

Atty. Rizzio stated, for example, if the Wetlands says that they don't like this disturbance so you're going to lose this building, the fact that there is a PDD in place that allows them to do 10 units to the acre, but Wetlands says they think there is a negative impact and to avoid the impact, they want the density reduced to five units and knock that building out. They have that authority and the actions tonight will do nothing to lessen the ability of the Wetlands to review or control a project which will then be a part of their application when they come with Final Plans for approval of the PDD. He asked Rick Schultz if he agreed as to that being the process.

Mr. Schultz responded yes.

Atty. Rizzio indicated that all they are doing tonight is basically saying that this is the maximum; this is the possibility of what could be approved here. It is all going to be subject to what Wetlands decides is the impact. He noted that everything within 100 feet of this wetland which is a lot of their development is in a regulated area and that whole regulated area is going to be governed by the Wetlands Commission. From there they will give them the development footprint with which they can come back to this Commission for final plans that will allow them to move forward with this project. He asked if they understood.

Chair Parkins commented that she is still a little bit confused because the City Engineer's letter references existing conditions sheet dated July 28<sup>th</sup> and revised 9/30/14 so his comments were obviously on the newer revision.

Atty. Rizzio indicated that John Guedes who is their principal can answer that questions and segue into the next presentation which is his vision of the property and the actual development.

**John Guedes, President of Primrose Companies and Vice-President of the architectural firm, Guedes & Associates addressed the Commission.** He recalled that when this program commenced – when they first looked at the site, they began to put their design team together. One of the firms that they engaged was Milone and MacBroom and they have Dave Sullivan here from Milone and MacBroom. Milone & MacBroom came up with a traffic analysis for this site and that traffic analysis provided for a two driveway system. One driveway was to be north of the site on Huntington Turnpike and one on the south side on Shelton Road. In the submissions that he made to planning committee which involved the outside consultant, Rick Schultz and a few others, there was a discussion as to the appropriateness of the multiple driveways. The decision at one of the meetings was - he thinks it was made by Tony Panico; his recommendation was that they eliminate the driveway on Huntington Turnpike.

**End of Tape 1A 7:46 p.m.**

Mr. Guedes commented that by that time the design had already been done. He asked at that meeting if it was OK to submit the application with the design that they had with the understanding that they would modify the driveway entrances to accommodate the committee's desire. Therefore, that is how they got into this confusion where apparently they have the set of plans that show two driveways but the final program, which Dave Sullivan is going to address, basically eliminates the driveway on Huntington Turnpike and they have one driveway, and in repeating what Tony Panico had stated, he recommended an esplanade similar to what was done on Armstrong Road. Those were the instructions that were provided to not only Dave Sullivan but also Edwards & Associates that they have to revise the plan to move the front building north so it would accommodate a driveway system on the south side.

Mr. Guedes concluded that is how they got to that point. For the most part, the program that they developed was based on various meetings that they conducted with the committee and in the final stages instructions were provided. They engaged J. Edwards & Associates, Dave Sullivan at Milone and MacBroom for engineering and they also engaged William Kennedy & Associates to deal with the environmental issues. He is not here tonight because his understanding was that this was to deal with the PDD and it was conceptual. He would address those issues at the Inland Wetlands application but he came up with a plan of development for the enhancement of the wetland areas but also a landscape and other plans that were put together by him.

Mr. Guedes stated that he thinks that some of the confusion regarding items such as the stone wall – the creation of the stone wall was more to create a barrier to protect the wetlands. There are many ways of protecting the wetlands that he implemented and sometimes there are fences that are installed. There are various methods and in this particular case given the development, given the fact that the pond that exists was man-made, with an existing stone wall surrounding it so when the development plan came together, the instructions he provided were that outside of the wetlands limit line, they would put together a barrier, which would be a low stone wall, just to prevent any harm to the wetlands and so the wetlands would be protected.

Chair Parkins commented OK.

Mr. Guedes commented that the program was to develop four small buildings on the site; two of them with four units and two of them with six units each. He knows that there was some concern about the effect that it would have on the residents of Lobsterback Road but, for the most part, the site is located in an area that really only impacts three groups. One is the residential neighbor to the neighbor to the north which is one; the rest is hydraulic company property and to the south there is one parcel that was originally home that was demolished and the owner donated the land to the Trust and; therefore, there is a small park on the outskirts of Shelton. The residents of Lobsterback – and he made a profile diagram – to show how the development would fit on the site.

He presented the diagram and explained that Lobsterback is at an elevation of about 40 feet above the lower point of the development. He provided an example that the roof of the building is in line with the roadway of Lobsterback. The topography is such that the intent was only to

excavate enough to put the building in and then the remainder of about 50 or 60 feet would be maintained in its natural state. There would be no activity heading towards Lobsterback Road. The density as Atty. Rizzio had indicated, when the Avalon site was put together, as they know that site was 4 ½ acres and the development is 90 units or about 20 units to the acre. This development would be 10 units to the acre. Mr. Guedes stated that he looked at other potential options for the property and given the (inaudible) it would either serve this purpose or an office building type of use. He settled on this because of its proximity to Route 8 exit and entrance ramps so he continues to believe would serve the commuter-oriented people and people are looking for this type of product. He stated that unless there are questions from the Board, he would like to have Dave Sullivan come up and explain the programs dealing with the traffic because he thinks that is the greatest issue. The traffic issue had a lot of feedback from various individuals.

**David Sullivan, P.E. and Manager of Transportation Traffic Engineering, Milone and MacBroom, 99 Realty Drive, Cheshire, CT addressed the Commission.** Mr. Sullivan indicated that they started this project a couple of months ago and the initial task was to do a traffic impact study which they did. He commented that he won't spend a lot of time on that because it is essentially a very low traffic generator. During peak hours it would generate somewhere in the neighborhood of 15 trips total – entering and exiting, coming from all four directions.

Mr. Sullivan briefly explained that it was not a traffic impact, per se. He indicated that they did their standard analysis to see levels of service will not be impacted. They looked at queues and things like that. Mr. Sullivan stated that this became an evaluation of what they should do about the access and what would be the best access for this site. As they have been discussing, it is at a signalized intersection that does have some traffic volume associated with it and the frontages are essentially in the intersection and extend out from the intersection.

Mr. Sullivan indicated that what he thought he would do tonight – he prepared a couple of graphics – is talk about their thought process for both of the access plans. The first one which their basic study was on, he'd go through their thought process and why they thought that access plan would work and then discuss the current access plan with the single driveway on Shelton Road and discuss what would need to be done to make that access plan work.

Mr. Sullivan provided reduced sized copies of his traffic rendering. He showed the original access plan and pointed out the clouded area with two driveways. He said that when they got the plan this was a single direction driveway and the other was two-way driveways; one driveway provided full access and the other was restricted somewhat for left turns in and out because of the median on Shelton Road.

Mr. Sullivan stated that the advantages of this particular plan, besides the obvious fact of having two driveways – he pointed out that the driveways were located as far away from the intersection as possible – have access from all directions into and out of the site without having to do what he would call an unusual maneuver. He'll discuss more about that later. In consideration for what is here, when they broke down this site, they took it movement by movement with somebody coming from the east, somebody coming from the north, the west and the south and asked what was the best way and the safest way to get them into the site.

Mr. Sullivan stated that they looked at all of those movements and their first recommendation was that this driveway (he pointed out the driveway on the plan) should be a two-way driveway allowing right turns in and right turns out. There is the restriction on the left turns. To deal with the left turns coming up Shelton Road, he showed that they would take the left turn and turn into there and that is probably the biggest consideration that they dealt with because during the peak hours there is some queuing there but allowing the traffic is their lightest volume – so out of those 15 trips, let's say that during the peak hour maybe 10 trips are coming in – 5% of those would be coming up Shelton Road – so maybe there is a single car that would take that left turn during peak hours and sit there and wait for a gap as the queues dissipate.

Mr. Sullivan reiterated that was a consideration but they thought that with this particular access plan and a couple of mitigations ...he noted that this is all shown in the report as well, some re-striping in this location. They didn't want the left turns coming down Bridgeport Avenue to use

the right turn free flow because they thought that they'd be cutting across traffic, so they would come in and take the right turn on Shelton Road. In order to do that they recommended some restriping to reinforce the left turn sign and the Stop sign there.

Mr. Sullivan showed that likewise, exiting there is the median on Shelton Road and they recommended some additional signage there to reinforce that you can't take a left turn out of there.

Mr. Sullivan presented the revised layout showing the single driveway into Shelton Road and it shows that the esplanade with the divided driveway. He indicated that the biggest advantage of this plan, in his opinion, is that the traffic volumes on Shelton Road are about  $\frac{1}{4}$  of what they are on Huntington Street so clearly that is probably the biggest benefit.

Mr. Sullivan commented that the considerations – what they didn't like and what they have to deal with – clearly the median here restricts left turns in and left turns out and all the traffic going in this direction would now go through the traffic light.

Mr. Sullivan stated that to make this work, the first thing would be to eliminate the median. They all disliked that idea for a number of reasons, mainly because it opens up a lot of possible illegal, dangerous maneuvers so they discounted that option but they still need to be able to get left turns into and out of the site. Their recommendation for coming out of the site is to extend this island and put a turnaround on the west end of Shelton Road so if somebody was going in the other direction that would normally be taking a left, they would take a right, go around the raised median and continue on their way. For the left turns in, their recommendation would be to increase this esplanade slightly, about another 10 feet, so that people could go around the front. He stated that this is probably one car, maybe two during the peak hours. Mr. Sullivan concluded that in summary with certain mitigations – he showed the mitigations again on the plan.

He commented about the sight line, and explained that it was 30 mph and showed the sight travel distance. He stated that the fence would have to be removed and some minor grading there.

Atty. Rizzio asked, for the record, if he could state that the creation of this development wouldn't change the level of service at this intersection.

Mr. Sullivan responded yes, that is correct.

Atty. Rizzio asked if he believes, with the implementation of the suggested improvements, does he believe that the site could be developed and operated safely for emergency vehicles entering and exiting.

Mr. Sullivan responded yes.

Comm. Tickey asked if you were on Huntington Road and you were going to veer left to go into the development...

Atty. Rizzio asked if he meant coming from the south, going up...

Comm. Tickey responded yes and going into the development – he commented that seems like a wide turn. He asked if he envisioned that the signal light would be a green light or would it be a left turn signal.

Mr. Sullivan responded that it would be as it functions today. They would be acting like they are taking a left turn and (inaudible) right into the driveway.

Comm. Tickey commented OK, so it's a left turn and then (inaudible)...

Mr. Sullivan added that fortunately, it is a single lane here; if it were a double lane it would be more (inaudible)...

Chair Parkins asked if the proposal was to eliminate the island or to move it, more or less.

Mr. Sullivan responded that under this scenario, it would be to expand it so it would not be to remove it.

Comm. Dickal asked if he didn't see that as potentially being a little bit dangerous. She stated that she travels that road frequently and during peak hours, getting off of that exit ramp there is a back up and because you have to go to the light and take a left...it gets backed up on the bridge and because you have to go to the light to take a right to go to the grocery store, which she usually does before going home...it would be too chaotic. She added that she thinks it could be a real safety issue.

Atty. Rizzio responded that when you talk about the number of turns, you have to remember that it is maybe a couple of cars an hour at the most.

Someone in the audience (unidentified) asked Atty. Rizzio if he had ever been there...you could spend the whole day sitting there...

Chair Parkins interrupted to ask the audience member to wait until the public portion.

Comm. McGorty added that the public can speak when the applicant is done.

Mr. Sullivan clarified that he thinks Atty. Rizzio was referring to the site and coming out of the site there are a handful of trips, maybe one every five minutes or in that range – that is the amount of traffic actually coming out there. He added that it is very schematic as it is shown here. When this is designed they would certainly want to look at what the queuing is because you would want to make sure that this was pushed far enough back. He stated that they looked at the right-of-way and there is right-of-way there, they have to do a little bit of widening to do a big enough turn so that the vehicle can do it easily.

Atty. Rizzio asked if her issue was the left turn also...coming (inaudible)...

Comm. Dickal responded that the whole design area there because as she said she travels this road every day into Bridgeport and it can be pretty busy.

Comm. McGorty commented that taking a right turn out of there and taking a left, so you are going to make a right to then go around the island, if the queue is all backed up coming off of the Route 8 overpass, that car could potentially sit there for quite some period of time before someone lets him in.

Comm. Dickal responded thank you and that was what she was implying.

Mr. Sullivan agreed that is absolutely true and what is more ...

Comm. McGorty added that could impede traffic going south too.

Mr. Sullivan responded that the way that this would be designed and because of the volume of traffic, and again he keeps coming back to that because if this was Dunkin Donuts, they wouldn't be talking about this type of thing – what is likely to happen is that this would be a wider median so it won't be this narrow 8-foot type median. It would have to be wide enough so that a car easily takes a turn but not only that, as it makes the turn and it is beginning to make the turn, it is almost a two-stage turn. You get to the end of the island, pull up there and you are almost sitting there facing, waiting for a gap to come in; meanwhile the cars behind you keep going through.

Comm. McGorty responded that is good, if it is one car.

Comm. Dickal agreed.

Mr. Sullivan responded that is why he keeps getting back to the volume of traffic, the peak exiting is in the morning and it would be about 10 cars.

Comm. Harger asked if they have taken into consideration delivery trucks. She asked if a UPS truck comes out of that proposed complex, how they would maneuver around the island.

Mr. Sullivan responded that it would be designed similar to – it would have to accommodate single unit trucks so that center island. A car could make it around that today but they would want to make it more ample.

Comm. Harger responded yes but they have to accommodate some other vehicles. She asked about a moving van that has to take a left and how they would maneuver.

Mr. Sullivan responded that they would want to make sure that a moving van could make it. It wouldn't be designed for his convenience – for an occasional moving van which may come in once a year.

Atty. Rizzio commented again that in regard to these specific plans, this is a conceptual way to make it work so that the PDD can apply. They still have full control over the final plans with the engineer in making a decision as to whether – what guidelines the Engineering Dept. or the Commission want in the final plans to make sure that this conceptual plan can work. He stated that tonight they are basically saying that they would like to apply the PDD and they believe that they have a very well-regarded traffic engineer who believes that they can design a traffic flow ingress and egress, taking into account the traffic that exists on the site, that won't affect the level of service but that they can implement aspects of their plan in their final design which will make this Commission comfortable.

Atty. Rizzio indicated that all they are really asking for is the overlay tonight and all of these specific plans will have to be addressed or this Commission does not have to grant the final approval. He added that they have multiple steps that they go from here. He stated that once again, they have the Wetlands issue and then they have to satisfy their Engineering Department and this Commission in their final plans so that they can prove to the Commission that this site can operate safely. For example, if those issues continue to not get an explanation that this Commission finds acceptable then they don't have to approve the final plans. They aren't getting approval for 20 units tonight, they aren't getting approval for a specific driveway tonight, they are showing the Commission that the PDD works here and they don't think it is the best place for a single family residence and through the creativity that they allow them to have pursuant to Section 34, the applicability of this PDD will allow them to do something that is much more applicable to this lot in this location.

Chair Parkins responded that she understands his reasoning as the Applicant but she thinks that the Commission also wants a pretty high level of confidence that it is going to be a workable PDD, and if it is not then they aren't going to grant a PDD and then hope that you can figure it out.

Atty. Rizzio responded that he understood.

Comm. Dickal stated that they would be comfortable having all of the facts before them.

Chair Parkins commented a higher comfort level that it is going to work.

Comm. McGorty asked what he mentioned about the R-1 and why a single-family would not work because he thinks he missed that.

Atty. Rizzio responded that they believe that at this location with this level of activity with accessibility to Route 8 and Bridgeport Avenue that the multiple family is a perfect fit as it was, where the Commission found the PDD for Avalon which could have remained as a single-family along...

Chair Parkins asked if that wasn't a lawsuit. Mr. Schultz responded yes, (inaudible)...

Atty. Rizzio responded that the PDD...John actually did that project where the PDD extended north on Huntington.

Comm. McGorty asked if there were single family homes (inaudible)...

Comm. Tickey asked if these would be private roads that they are servicing.

Atty. Rizzio responded that the rounds within the property would all be private.

Comm. Tickey asked about the roundabout he was discussing.

Atty. Rizzio responded that the roundabout would all have to be constructed by the applicant, approved by the Town Engineer and maintained by the town after appropriate bond was posted for the improvements.

Comm. Tickey responded that the City plows would have to go around the roundabout to plow during (inaudible)...

Mr. Sullivan responded that all of that would be design criteria. He commented that he kind of breezed through the original application and he does have a little bit of private authorship because this is the access plan that he came up with. They were talking about what they had to do for the single access on Shelton Road but those fixes are not required under the original access plan. Mr. Sullivan commented that in his opinion, siphoning the traffic off before it gets to the signal is a big benefit and not having to worry about people having to make illegal movements or building something to accommodate movements that they can't make now not to mention that from an emergency standpoint the second access is slightly preferable to a boulevard. He reiterated that he thinks he breezed over that before but he likes the two driveway access plan but he feels comfortable that they could make both access plans work without sounding (inaudible).

Atty. Rizzio responded that with the one access plan, taking (inaudible)...

Mr. Guedes responded that they didn't construct – they just asked Dave Sullivan's firm to come with the best method to deal with the traffic at this corner. The single driveway was brought up afterwards.

Chair Parkins asked if they were submitting a Traffic Study tonight to the Commission.

Mr. Schultz asked for a copy.

Mr. Sullivan asked the Applicant why it wasn't submitted.

Chair Parkins commented that she didn't get one and the other commissioners added that they didn't either.

Mr. Sullivan submitted his own copy and added that it may have some of his own doodles in it.

Comm. Tickey asked Rick Schultz if they would be getting a copy of it. Rick Schultz responded yes.

Chair Parkins asked if they did traffic studies on the traffic counts.

Mr. Sullivan responded yes, they did a full traffic impact study.

Chair Parkins commented that since she didn't receive a copy, she didn't have a chance to read through it. She asked the Commission if they had any other questions.

Comm. Dickal commented that she feels that there are too many inconsistencies here to allow a Planned Development District zone change at this point and added that she feels like it is being shoved down their throats. She commented that she didn't want to move to "B" without having "A."

Chair Parkins stated that she wouldn't exactly phrase it as being "shoved down their throats" because the Applicant is here making a presentation to them.

Comm. Dickal responded that was how she feels.

Atty. Rizzio commented certainly, one of the things that they always have available, because some of these things get flushed out and the City Engineer hasn't responded to the revised plans, and they can certainly continue it and take into account any other things that the Commission would like them to look at to expound on the plan and have specific concerns addressed by their traffic engineer to the City engineer prior to any additional hearing. It is always hard when you are doing a zone change or PDD because they say that they are conceptual but people want more than a concept and they want to know what is going to be there. They lay out why they think this district would work yet he understands their hesitancy because they don't want to give them something without proof that it is going to work. He added that he knows that they want a high level of comfort that this will work. If the Commission thinks that they need to go a little deeper, they will certainly agree to continue it and work with Rick Schultz to provide additional information and have Mr. Sullivan work more closely with their City Engineer rather than be here all night saying "you know what..."

Chair Parkins commented right, certainly, they are opening this up. She asked Comm. Tickey if he wanted to comment.

Comm. Tickey stated that he just wanted to say that he would like to hear from the public.

Atty. Rizzio responded that he didn't want to shortcut the process but they have a lot of people who have made an effort to come here and a lot of their comments might be incorporated into any additional information that they could submit.

Chair Parkins stated OK, they are going to open this up to the public at this point. She noted that 14 people have signed up and she called the first name on the list.

**Atty. Peter Olson, Land Use and Conservation Counsel, 4 Stony Hill Road, Bethel, CT addressed the Commission on behalf of the Shelton Land Conservation Trust, Inc.** He commented that he had some material to accompany his presentation that he would like to distribute to the Commissioners. Atty. Olson stated the Shelton Land Conservation Trust is a non-profit organization that is dedicated to the preservation and protection of open spaces in the City of Shelton. It currently has 30 properties and 365 acres under protection. With him tonight is Joseph Welsh, President of the Shelton Land Conservation Trust and he will speak later in the public portion. As has been noted the Shelton Land Conservation Trust owns the Bushinsky Arboretum which is located at 43 Shelton Road. It directly abuts the property that is the subject of this application to the south. This is a recent acquisition dedicated in 2013 after six years of work by the Land Trust to acquire the property, negotiate for it with the estate, negotiate for the removal of the house on that property, and volunteers for the Land Trust have been spending countless hours working on the property making it a tranquil place to walk and reflect.

Atty. Olson stated that they are here tonight as abutting property owners. They recently submitted a letter to the Commission after a referral was sent to them and it was read into the record but their comments tonight address their status as abutting property owners. One of the items that they submitted in that package, there is an original Verified Intervention Complaint filed under Connecticut General Statutes, Section 22A-19. An Intervention Complaint allows any person or corporation to intervene in any proceeding including local land use proceeding to protect the public trust in the air, water, and other natural resources of the State from unreasonable pollution, impairment or obstruction. It does change the Commission's consideration in rendering its decision in that the Commission cannot approve an application that unreasonably pollutes, impairs, or destroys these resources unless it finds that there is no feasible and prudent alternative to the activity.

Atty. Olson stated that the first point – they believe, as noted in their letter, that the application before them is in the improper sequence. As Atty. Rizzio discussed, the Connecticut General Statutes, Section 8-3G1 require that any application that involves regulated activities under the Wetlands Regulations be submitted to the Inland Wetlands Commission on or before the date it is submitted to the Planning and Zoning Commission. The argument has been made by Atty. Rizzio, and he understands that there is support from the City's Corporation Counsel that

because a PDD application only proposes hypothetical activities it is not subject to this rule. He stated that he believes that this is an incorrect interpretation and he believes that there have been conflicting interpretations provided to this Commission in the past by Corporation Counsel. The most important reason is that yes, initial conceptual development plans are initial and conceptual. Once they are approved by this Commission, however, they form the fundamental basis for the zoning district that is a PDD. The plans are the zoning requirements that would normally be set forth as setbacks, height requirements, densities, etc.

Atty. Olson stated that when the final development plans are submitted and submitted to the Inland Wetlands Commission, as was conceded has to be done; the Inland Wetlands Commission is in a very difficult position because it can't exercise its normal review of the plans. They have already been approved by P&Z. The plans can't deviate in a significant way. As Atty. Rizzio argued, if they decided that this building couldn't go here and this wall couldn't go there, that would be in violation of the zoning district that they approved. It is not a maximum envelope that is approved by them. It is the development that is approved.

Atty. Olson stated that secondly, the Inland Wetlands Commission would be deprived of its statutory obligations to find that there are no feasible and prudent alternatives to the development because they are only presented with one option, the one that meets the requirements of the PDD. For further support, he referred them to their own regulations, Section 34.8 which provides that when rendering findings for a PDD, they cannot approve the initial plans unless they find that ecological and environmental concerns are addressed and you shall consider comments received from the Inland Wetlands Commission and the Wetlands Officer. He asked if the structure was that they did not need to apply to the Inland Wetlands Commission and not refer the application to the Inland Wetlands Commission, then why did the Zoning Regulations require that they consider their comments.

Atty. Olson stated that for this reason they believe that the application at this time is inappropriate and should be withdrawn. If the applicant wishes to resubmit, they can do so simultaneously with an application to the Wetlands Commission.

Atty. Olson commented that he would discuss the substance of PDD's, the Applicant's attorney argued that the property is basically in the Bridgeport Avenue corridor and that corridor is permissive with regard to development districts and this is where PDD's are allowed. He stated that their regulations provide for two specific areas where PDD's are allowed. First, in an area that is designated as a special development area on the zoning map; while areas along Bridgeport Avenue are designated SDA, this property is not. It is not appropriate to argue that the Bridgeport Avenue corridor is extended. It is a very vague term and does not meet the specific requirements of the regulation.

Secondly, in Section 34.2, PDD's are stated to be appropriate to accomplish a transition between single-family residential use and an established non-residential area. He conceded that this one is much closer but they believe that this criterion is not met even in these criteria. The so-called Bridgeport Avenue corridor ends across the intersection where Bridgeport Avenue is. The property is bounded by Huntington Street and Shelton Road. He submitted the GIS map for the area and what they can see is that even the last property on Bridgeport Avenue, which he thinks is #1077 which is a commercial office building, is surrounded by R-1 on all sides. Huntington Street, with the exception of the Avalon property, is R-1. The Trap Falls Reservoir is 650 acres located just north of the site, and it is R-1. Certainly Bridgeport Avenue corridor extends northward from this intersection but he thinks it is inappropriate to argue that it should be extended southward. In fact, Huntington Street and Shelton Road provide a natural break between the dense commercial development that you find on Bridgeport Avenue and the very not dense residential development that is entirely west of Huntington Street and frankly, into Trumbull.

This residential one acre zone is very wooded in nature and provides for significant buffering for the residents from the higher density of Bridgeport Avenue. For this reason, they believe that approving the PDD on this property where it is surrounded on the north, west and south by residentially zoned property would be an encroachment into the residential zone rather than a transition from the commercial zone to the residential zone.

Atty. Olson commented that the Bushinsky Arboretum contains two ponds separated by a walkway. The property itself contains two ponds, watercourses and wetlands. These are a part of a ½ mile wetlands corridor that runs from the Bushinsky property up to the Trap Falls Reservoir owned by Aquarion. With this corridor, the Applicant proposes a high-density residential development, 10 units per acre, retaining walls, retention basins within the regulated areas set forth by the Wetland Regulations around the ponds, riff-raff installed in the wetlands; all of these will have impacts on water quantity coming off the site and water quality coming into the Bushinsky Arboretum property and directly affect those resources. This corridor also functions as a wildlife corridor for wildlife to move from the reservoir south to Bushinsky Arboretum and further into Trumbull and constructing these buildings will operate as a direct break to that wildlife corridor.

Atty. Olson indicated that the Shelton Land Conservation Trust engaged the services of a wetland expert and an engineering expert. There is a letter prepared that details these concerns which is attached to the materials he submitted to the Commission. Tom Ryder will be available at any continued public hearing to discuss the letter with them. Atty. Olson stated that one of Tom's biggest concerns and the engineers that worked with him are concerned that they did not have the information that they needed to provide a full review of this property. This is because the Storm Water Drainage Report, the Drainage Report and the Traffic Report were not submitted to the Commission. He stated that he reviewed the public file on Wednesday last week and they were not in the file. The Engineer tonight waved the Storm Water Report but he doesn't even know if it was submitted. His friend, Dave Sullivan questioned whether his Traffic Report had been submitted.

Again, he referred to the Zoning Regulations for a PDD which provide the process for this proceeding, "the petition for the establishment of a PDD shall be submitted to the Commission in writing, shall be signed by the owner or owners of all parcels within the proposed district and shall be accompanied by the following." Under the Section for Initial Development Concept Plans, Section 35.5.2, "utility information including water supply, sewage disposal, storm drainage and capacity of watercourses and any additional flow being produced, electrical service, site lighting, a written traffic report by qualified professional engineer validating the impact of the PDD on the street system including the amount of traffic projected to occur within the proposed development, adequacy of the surrounding street system, etc."

He reiterated that there should be "a written engineering report by a qualified engineer addressing storm drainage and flood, and including a Storm Water Management Plan, utility services, soils and geology at the site and Sediment and Erosion Control measures to be employed, hydrological geology conditions, seismic monitoring provisions as mandated as may be applicable" He commented that the important point was "after acceptance of a complete petition, the Commission shall hold a public hearing on the petition."

Atty. Olson stated that in the absence of this material, the Applicant should not have been permitted to proceed forward the public hearing tonight; it violates the principles of fundamental fairness and that is reflected in the reports that they've submitted where they've basically said that they should deny this application because they haven't done their job and given the information that they are required to give under the regulations. Atty. Olson stated that they can tell you that think this may have an effect on the water quantity and quality coming off of the site but unless they have the storm water calculations they won't know for sure and it puts them in a difficult position before the Commission.

Atty. Olson stated that at the very least they would ask them to continue the public hearing to allow them to review this material and provide responses. At the most, they would request that they ask the Applicant to withdraw the application and resubmit when it is ready.

Atty. Olson indicated that they have significant concerns on the traffic effects of the driveway location on Shelton Road. He pointed out the Engineering Department's letter dated 11/13/14 specifically identifies the plan as revised on September 30, 2014. It specifically says that vehicles exiting the proposed project and wishing to proceed to Route 8...

**End of Tape 1B, 8:36 p.m.**

Atty. Olson asked where they would turn around and asked if they would use residential driveways or Golden Hill Lane in Trumbull. He indicated that the Engineering Department reviewed the single driveway plan and they rejected it. The Fire Marshal reviewed the single driveway and he noted that Dave Sullivan provided a proposal as to how to deal with traffic exiting the site to Shelton Road which is to extend the median and allow for left turns from the site – take a right turn out of the driveway and then take a U-turn. The Commission asked questions about a moving van and he will ask, more important what they will do about a fire apparatus. The Fire Marshal has not seen this idea on how to do Shelton Road. He commented that he can't imagine that there is enough room for a fire apparatus to take a right turn out and then a U-turn.

Atty. Olson indicated that there are no plans in front of this Commission for this proposed site work, off-site work and the Applicant argues that this is just an initial concept plan. He added that he thinks that message was conveyed quite a lot. Again, in referring to the findings that are required for them to make before they can approve a PDD, Section 34.8E “if any upgrading or improvements to offsite roads, utilities or other infrastructure are necessary and approved by the Commission and other applicable agencies such improvements shall be made at no cost to the City. The Applicant shall provide at its own expense such additional information, data, designs and plans as are necessary to arrive at a proper decision.”

Atty. Olson commented that tells him that they should have these design plans in front of them before you approve an initial concept plan. He thinks that it is important and he thinks that they saw from the reports tonight from the City Engineer, the Fire Marshal, the Town of Trumbull and from the Land Trust – they all assumed that everyone was going to have to take a right turn out of the driveway and either turn around in the Bushinsky Arboretum or continue into Trumbull or pull an illegal U-turn. Traffic coming up Shelton Road into the site is either going to jog over into the other side of the street and take a left turn in or go up to this very busy intersection, make a U-turn and come back. These are significant safety issues that need to be addressed with a detailed design plan. He commented that in regard to the proposal to extend the median that would obstruct the driveway for the Bushinsky Arboretum and put them in a position of not having a place for their people to take a left turn; whereas right now, they can do that. He encouraged the Commissioners to go to the site and look at it because it is really rather striking how narrow the road is and how impactful that median is there. It just doesn't work to come out that way.

Chair Parkins asked Atty. Olson to try and wrap up his comments because there are many other people waiting to speak.

Atty. Olson commented that his final point is that the Bushinsky Arboretum is something that the Land Conservation Trust has been working on for a while. It is a very tranquil setting, a great place to walk and reflect. There are very interesting gardens left over from when there was a house. It has been named an arboretum because there is an interesting collection of trees on the property. This development will essentially create a giant wall on one side of this park. It will completely destroy the view shed, the viewing of the park, and the tranquil nature of it. Site lighting will affect the ability to use this park after dark with illumination into the park that is not there now. This park is a great resource for the town even though it is located very far to the southwest. It provides an avenue of relief for people who work on Bridgeport Avenue to come down, eat their lunch and enjoy nature. He concluded his comments and he stated that he hopes the Commission takes the time to read Mr. Ryder's letter because he thinks it really details the information that needed to be provided before this public hearing. At the very least, he hopes that they continue to the public hearing, but more appropriately, he requested that they ask the Applicant to withdraw the application and come back when they are ready to submit. He thanked the Commission.

Comm. Osak asked the Chair about an issue raised about a PDD only being put into an SDA – a Special Design Area – and he knows that some of these SDA's were created about 40 years ago, especially the one on Route 8. He asked if the Commission had the meets and bounds of these SDA's someplace because the inference was made by the previous person that this is outside this particular Special Design Area which causes me to ask that question. He added that they don't have to answer right now but asked them to keep it in mind.

Chair Parkins responded that there is an answer to it. She thanked Comm. Osak.

**Joe Welsh, President, 4 Millbrook Road, Shelton, addressed the Commission.** Mr. Welsh indicated that he was the President of the Shelton Land Trust and that right now he would rather be home with his family knowing that P&Z Commission holds the work of the Land Trust in high regard and that you guys have their back. Mr. Welsh stated that when first reading of the application in the paper, he questioned if they do and that is why he was there.

Mr. Welsh stated that if they haven't been to the site physically, he has a map that shows Shelton Land Trust as well as the proposed project site next door and Bushinsky Arboretum – he provided it to the Commission. He indicated that Bushinsky was donated to them, willed to them by the late Edwin Bushinsky several years ago and it was a long journey, a long process and just in May 2013 they had a dedication ceremony because they acquired the property. Free and cleared the building that was there and now they have their first piece of land after, he's not sure how many years because they had a dry spell acquiring property, nobody was giving it to them and that's one of the ways that they acquire property. He indicated that they were excited and they saw the potential of what Mr. Bushinsky worked so hard over the years to protect and enhance on his property through different landscapes, plantings and things like that.

Mr. Welsh stated that the Land Trust is all volunteer organization. No one gets paid; they go out there and get their hands dirty and they were fortunate enough to find a couple of master gardeners that helped to expand some of the flower beds on the property and they came up with a landscape plan. They raised some funds to buy a couple of granite benches that overlook the pond and really make it a spot for people to come and enjoy. When you are there you wouldn't realize that Route 8 is behind you when you are sitting and facing the ponds or that the whole corporate center is right down the road. It gives everybody a chance to escape the craziness of the world and head out into nature.

Mr. Welsh stated that what is being proposed next door will definitely impact it so hopefully, by the end of tonight they will prove to him that the Commission values the Trust's role in the community by denying the application and keeping R-1 zoning for this property. He commented that the proposed development would destroy what they are working hard to protect for everybody to enjoy. He encouraged them to contact him and come out and visit the Land Trust Bushinsky Arboretum property. He'd be happy to take them on a tour of the property and telling them the story of how they have been taking care of it since they acquired it. He thanked the Commission.

**Fred Barmer, 391 Shelton Avenue, Shelton addressed the Commission.** Mr. Barmer introduced himself and his wife, Christine and indicated that they reside at 391 Shelton Avenue and also own the property at 615 Huntington Street which is willed to their daughter, Elizabeth Zaccagnini who resides there presently with her husband and three sons.

Mr. Barmer stated that this property will be willed to their daughter in hopes that it will stay in the family for future generations. It abuts the proposed outlandish development referred to as Pond Meadow at #39 and sometimes #49 (he doesn't know where that came from, it's in the documents) Shelton Road. Although most of the property fronts on Huntington Street, one lot of .9 acres had once been a part of 615 Huntington Street. Some of the comments have already been discussed here but he wanted to bring up a couple of things. It is his understanding that if they approval a conceptual plan, the PDD zone that has wetlands dividing it that the Inland Wetlands Commission becomes an advisory committee to the P&Z because it has already been approved. He asked if that was true, if once they are an advisory committee that the P&Z does not have to accept their recommendations.

Chair Parkins responded that the Inland Wetlands has to approve whatever project when it passes the conceptual stage so when they apply for the application for the development it would need Inland Wetlands approval. They are not an advisory commission.

Mr. Barmer asked if P&Z approves this PDD now, as the plans sit now, what authority the Wetlands have to accept or deny.

Chair Parkins responded that they can reject anything within their purview.

Mr. Barmer asked if that removes the PDD.

Chair Parkins responded no and explained that there are two parts to this application, the PDD Approval – the zone change and then the Site Plan Approval. Right now, this application is just for the PDD and not for Site Plan Approval. Sometimes applicants come in and ask for Final Plan Design PDD Approval together or sometimes they are separate when they just have a conceptual design.

Mr. Barmer asked if right now they were just asking for the PDD approval.

Chair Parkins responded correct – with no Final Site Plan approval.

Mr. Barmer asked if any members of the Commission have met privately with the Applicant to discuss plans and advise him of certain exits/entrances and inland/wetlands and setbacks and things like that.

Chair Parkins responded that any applicant can request a Staff Meeting with Staff and she typically attends them. She added that they are not private meetings.

Mr. Barmer asked if they are advertised and if they were open to the public.

Chair Parkins responded no, because it is not a Commission meeting.

Mr. Barmer asked if it was a private meeting.

Chair Parkins responded that there is no quorum and she reiterated that it was not a private meeting.

Mr. Barmer asked how they know when these meetings occur.

Chair Parkins responded that it is a meeting with Staff and herself and it is advisory in nature.

Mr. Barmer asked if they meet with the Applicant.

Chair Parkins responded that the Applicant requests the meeting with Staff.

Mr. Barmer asked if the public can attend.

Chair Parkins responded that they aren't advertised because it is not a Commission meeting. When the Commission meets and more than four people in the Commission are there – it is considered a Commission meeting and it has to be advertised. She concluded that she thinks she's answered his question.

Mr. Barmer commented that this proposal is an outright abuse of the intent of a PDD overlay in an R-1 zone. The PDD is supposed to protect adjacent landowners from offensive development. He asked how a structure three feet off of his property line and 3 ½ stories tall protecting is his property from offensive development. The reason that he says three feet is because the specifications in that call for a 15 foot setback with a provision for decks, sunroofs, porches, stairs and stoops that may project 12 feet into the assigned set back areas so that would put it three feet off of his property line. He reiterated that in his opinion that wasn't protecting him.

Mr. Barmer stated that the existing house has been occupied continuously since its construction. There is no hardship and there is no reason to tear down the existing house. Recently, it was described by Remax Reality as a beautifully crafted home and building 20 condominiums in four buildings thereby devalues neighborhood property, increasing traffic and endangering existing wetlands in this property and adjacent properties in Shelton and Trumbull and disturbing wildlife feeding and breeding grounds including coyote, fox, deer, turkey, blue herons and others. This is for the enrichment of the developer's bank account. He stated that he would like to submit the following petitions to P&Z with signatures of opposing residents. He submitted the petitions to the Chair.

Mr. Barmer stated that if this PDD is approved it will set a precedent for any R-1 zone with only two acres whether it is an existing resident on it or not, to be approved as a PDD and developed with high-density, multi-family housing benefitting only the developer. He added that he is sure that the P&Z will do the right thing and show not only the R-1 property owners but all that are following the track records of the P&Z Committee members that they are truly putting community interests first and not purely the financial interests of the developers. He thanked the Commission.

**Barbara Smith, 57 Walnut Avenue, Shelton addressed the Commission.** Ms. Smith stated that she agrees with the previous two speakers and she opposes changing the R-1 zone to a PDD. She presented five sealed letters to the Board from residents.

**Claude Smith, 57 Walnut Avenue, Shelton addressed the Commission.** Mr. Smith indicated that he opposes the R-1 zone change to a PDD. He thanked the Commission.

**Jason Zaccagnini, 15 Huntington Street, Shelton addressed the Commission.** Mr. Zaccagnini indicated that he resides at 15 Huntington Street with his wife and three children and he opposed to the PDD. He believes that it would hurt the wildlife. To say that there is going to be no traffic at that point – try to get out of his driveway at 8 a.m. or 4 p.m. or 9 p.m. He commented that he is guessing that this condo complex won't have any cars coming or going and maybe those people won't go to work. He opposes this and had a petition with 145 signatures and other envelopes to submit to the Commission.

**Scott Westland, 71 Lobsterback Road, Shelton addressed the Commission.** Mr. Westland stated that a lot of their points were mentioned. He stated that they bought their home, it was an expensive home, on Lobsterback Road and when they purchased their home they wanted to get a home on a dead end street because they wanted to be away from and isolated from Bridgeport Avenue. He and his wife love to be outdoors, she loves to bird watch and there are actually families of deer, turkey as was just mentioned – all kinds of animals – everything coming and going through their property which they think is wonderful. He asked where all of that wildlife would go if they put this in place and if it would go into the roads so that they have more traffic accidents. He indicated that he wasn't really sure and stated that they were really concerned with their home depreciating, diminished value on their home. It takes away their view and they would be looking out at a 3 ½ story building. They have a beautiful view right now of nature and animals. He commented that was all he had to say.

Chair Parkins asked Mr. Westland to show the location of the cul-de-sac on her site map, Lobsterback and where it abuts.

Mr. Westland showed the location of his home on the site map.

Comm. Tickey asked to see that location at his end of the table. Mr. Westland pointed out the location of his home, and the water company property.

**Bill Dyer, 20 Beverly Lane, Shelton addressed the Commission.** Mr. Dyer stated that a lot of good points have been made and he had a question for P&Z. At some point, the Commission will have to vote on this and he asked if three people vote against this, would it pass or fail. He asked how their voting works.

Mr. Schultz responded that a minimum of 4 people for a zone change.

Mr. Dyer asked if 3 people voted against it, would that mean it does not pass.

Chair Parkins responded it would not pass.

Mr. Dyer addressed the traffic issue and agreed that moving vans would come at least one or twice a year but asked how many school buses would have to go in there every day. He commented that it would probably be four going in and four coming out, everyday. He asked if a school bus could easily make that turn every day and cross that traffic to go wherever they take

the kids for school. If it were a business they wouldn't be adding to the school population and school buses wouldn't have to go in there. He thanked the Commission.

**Bruce Nichols, 315 Leavenworth Road, Shelton addressed the Commission.** He indicated that he would refer to some of the maps and things that they saw before. He stated that when you look at the way that particular development is laid out, one of the things that first struck him when he saw it was that it looks like the developer was trying to use the Land Trust property as the front yard of the development. The houses are clustered in a way that all of them look directly into the Bushinsky Arboretum. He indicated that he is a member of the Land Trust Committee and somehow it just struck him as wrong. Secondly, one of the graphics shown was a profile of the buildings and there was a lot of comment about the trees in the back protecting the property in the back from looking at the condominiums. The view that you saw would be the view from the Bushinsky Arboretum. There would be no trees in the way; you would be looking at 3 ½ story buildings right up against the property line. He thinks that driveway going in, the new driveway, is set back about a foot from the boundary with the Bushinsky property and that seems to be not very appropriate.

Mr. Nichols stated that the last thing he wants to say is that sometimes a development is just wrong. Changing the zoning and putting in a development is just the wrong thing to do and to him, this development whether it is 20 condominiums or whether it is an office building, it is the wrong thing to do. He added that this property should stay R-1. He thanked the Commission.

**Kevin Morey, 15 Golden Hill Street, Trumbull, CT addressed the Commission.** Mr. Morey stated that he is approximately 200 yards from the proposed site of the development and he has three concerns he would like to voice to the Commission. He added that he appreciates the opportunity to do that. Mr. Morey stated that density equals devaluation. It is R-1, then keep it R-1. He commented secondly - water, water and water; control of water coming onto the property, control of water going through the property. They could put in a million infiltrators; the water has to go somewhere. That is a natural watercourse.

Mr. Morey indicated that his property abuts a 50 year flood plane; it rises and it falls. The 1.25 acres where he lives, the rear of his property ponds in the spring, recedes, continues throughout the drainage culver to Powder Hill and to the Powder Hill Pond. His property is surrounded by forest and trees. The turkey, the deer, and the foxes come from Dogwood Pond neighboring and Powder Mill, traverse the side of his property, cross over Golden Hill, travel up behind the Foote property through the Arboretum up to Isinglass to the Reservoir property and the Aquarion property and that will be interrupted.

Mr. Morey commented that rhetorically he asked what the redeeming value was of that area and he responded that it is what it is right now; it is R-1. A better use other than multi-family housing would be to extend the Land Trust, donate the property and extend the Land Trust. He asked why they don't do that. He reiterated that there was no redeeming value to this project. Those are just basic concepts. Mr. Morey indicated that having sat here for a couple hours, he has more conceptual concerns but he is sure that will be for future hearings. He thanked the Commission.

**Glen Learnard, 18 Golden Hill Street, Trumbull, CT addressed the Commission.** Mr. Learnard commented that he appreciates the opportunity to speak. His property is adjacent to the Land Trust and he has a large wooded property in the back. As many have mentioned, there is a lot of wildlife there and it is a heavily wooded area. He would like to continue to see it be that way especially because it is contiguous property from the Land Trust area up to the Bridgeport Hydraulic area.

Mr. Learnard stated that he listened about the traffic study and he thinks that regardless of what traffic study is done, he thinks that all of them recognize that when you try to go through that intersection, if you go through it on a regular basis, you do not see one car go through that intersection when the light is red, but you see two and three cars go through that intersection today. He reiterated that there is a large problem at that intersection. He gets off at Exit 11 heading northbound, crosses over the bridge and he tries to turn and go down Golden Hill Road and he can't cross. He will have to wait for two or three traffic lights because there is no arrow there today. The traffic light, if he is heading northbound from Shelton Road onto Bridgeport Avenue, there will be three cars and then the light changes and he sits there. He thinks that many

of you who have gone through that intersection are aware of how bad the traffic is there. He added that he does not see it getting any better. There is a big problem there that needs to be addressed.

Mr. Learnard commented that as far as the number of cars coming out of that area, he asked about guests and holidays. There is probably more than one car per family that would park there. He asked about children – he indicated that he has a daughter with a car, his wife has a car and he has a car – he asked where all those cars would go. He asked if they would park on the Land Trust property.

Mr. Learnard stated that his last concern was more of a moral concern. He indicated that he bought his property in 1991 and he has invested a lot of money. The town recently put in sewers and he was hit with a large assessment to pay for those sewers and now they are going to build condos next door. He stated that he was concerned about his property value. He stated that his investment in his property is going to pay for his kid's education and be a part of his retirement. He is concerned about his neighbors adjacent to that property. He thanked the Commission.

**Jim Vliano, 17 Tory Lane, Shelton.** Mr. Vliano commented that Board addressed his issues already so he doesn't need to speak.

**Brian Erickson, 40 Lobsterback Road, Shelton addressed the Commission.** Mr. Erickson commented that the developer mentioned Avalon Huntington and he had the opportunity to stay there for five months this year while moving from Wisconsin and getting that 50 foot moving van across the country and into that fixture - it was laughable how the driver has to do that and what goes on. He commented that looking at the traffic for this setup; he thinks it is even more laughable. He stated that property values are much higher here than in the Midwest, to the point where they took all of their money and put it into their house. He thinks that the property values of all of his neighbors, all of the people here - it is a significant concern what they would lose in the taxes if (inaudible)...

Mr. Erickson commented that he takes his two daughters on walks up Lobsterback Road, they look at wildlife, chase the turkeys, look at the blue herons, the hummingbirds and he thinks it is very sad what will happen to their experience with significant condos that are going to be there. He asked what would happen if the condos don't sell, he asked if they would rent them; otherwise, he would just echo all the concerns of those opposed the PDD and he would like to keep it R-1. He thanked the Commission.

Chair Parkins indicated that she had no other names on the sign in sheet and asked if anyone else wanted to speak.

**Constance Schwartz, 536 Huntington Street, Shelton addressed the Commission.** Ms. Schwartz stated that she has been a resident of Shelton for almost 29 years and her last P&Z Meeting was for this same property to become a funeral home; it was turned down. She indicated that she lives next door to Avalon Huntington and that was another 5 or 6 times she attended meetings. Ms. Schwartz asked why they can't keep it R-1 and why it can't just stay that way. She added that she wishes Ed was still with them and addressed Rick Schultz because he knows that Ed would be fighting tooth and nail to turn this down, especially right next to his own property.

Chair Parkins indicated that this would be her last call for anyone wishing to address the Commission to come and sign up. More audience members signed up to address the Commission.

**Todd Clarke, 72 Lobsterback Road, Shelton addressed the Commission.** He indicated that he was here with his wife, Susan and indicated that they live at the property adjacent to the proposed PPD, next to Mr. & Mrs. Westlund and at the end of the cul-de-sac. In addition to what everyone else has said, the developers made a point that the roof line of their condos is 3 ½ stories high which is a tall building and would be at the line of the road. He indicated that he has kids and there are other kids in the neighborhood, the distance from the building to the back of their property or to the road, and a roof line that is the same height of the road is a pretty tall distance. He asked if they were thinking about putting up retaining walls or anything like that on

the property which is a dirt road. He commented that people could fall off of them. It is a danger as well as everything else about wildlife being disturbed. He commented that was all he had to say (inaudible)...

Comm. Harger asked if he lived next door to the Zaccagnini's.

Mr. Clarke showed the location of his home on the site map.

**Richard Widomski, 49 Christine Drive, Shelton addressed the Commission.** Mr. Widomski commented that he hasn't appeared in front of this Board for a long time but what struck him was what he read the newspaper and he couldn't believe that something was going to go in that intersection. He commented that what he sees when he uses Huntington Street heading toward Trumbull or trying to take a left onto Bridgeport Avenue, which is almost impossible, he wondered how the existing R-1 people are able to get out of there; never mind adding condominiums. Be that as it may, everyone has a right to try for it.

Mr. Widomski stated that what bothers him about the conceptual plan thing is that they really don't have anything to base a PDD on except that it is 60,000 square feet which is 1 ½ acres and it has 50 foot frontage. He asked what the intent was of the PDD. He asked if the intent was to change R-1 zoning to PDD when everyone has a 1 ½ acre lot, 50 foot frontage that might be close to an industrial area. He asked if he, on Christine Drive, could get his neighbors together and say "hey I'm only a mile from Huntington Center, can I put in a PDD without a plan?" Based upon what they are looking at tonight, yes, he should be able to do that and then they will have the choice whether to deny it or not. Mr. Widomski asked again what the intent of the PDD was.

Mr. Widomski commented that the idea of traffic described by the attorney as an "interesting intersection." He answered yes, it is interesting and he asked the Board to go to that intersection. You don't even have to park where they might be pulling out, just get on Huntington Street heading south toward Trumbull or try getting into the left lane and taking a left turn or getting in the left lane and trying to get onto Route 8 heading south toward Bridgeport. It is difficult at best and he can't imagine what would happen when or if these people are trying to get out of that planned or conceptual development. He stated that he just doesn't understand it.

Mr. Widomski commented about something in the newspaper about an additional three acres. He asked if that came up at all because he thought he read something about three additional acres that about this property that was talked about. He hasn't seen the plan so he doesn't know if that is included in it.

Comm. Tickey responded that was the Land Trust property.

Mr. Widomski stated that he thought it might be that red house going north. He asked if there was an additional three acres because he thinks that they have to look into that. In regard to the PDD, by making a conceptual plan, which means nothing – what they are showing here is two driveways and then they spend time talking about two driveways and then they say that they are going to have one driveway. He asked what the point was of keeping everyone there for hours listening to a conceptual plan that doesn't really mean anything. He commented that even in conceptual plans – it is more than conceptual but he doesn't even know if there is a word for it. To do something like that – a PDD – using the 60,000 square feet, 50 foot frontage – that amounts to what he calls legalized spot zoning. He added that he doesn't know what else you could call it because all they are doing is looking at a piece of property and saying that it meets the criteria so they'll just approve it and see what happens later on. He stated that they can't change the zoning after they approve it. Mr. Widomski stated that they really need more information.

Mr. Widomski added that they are slighting the Inland Wetlands Commission by not allowing them to participate like they should because they may have a larger impact on this than any of them think because of the amount of water. He indicated that he hasn't been on the property but it sounds to him like there is an awful lot of water going through there and they are building a wall.

Mr. Widomski stated that there is inconsistency even with the wall. In the beginning, they talked about a 4 or 5 foot wall in or around the wetlands or whatever then later on in the meeting someone said it would be a low stone wall. He commented that to him, a low stone wall is about 1 ½ feet but they are talking about 4 or 5 foot wall. He asked which it was and added that this is more than conceptual; it is meaningless in some areas.

Mr. Widomski commented that someone brought up a meeting, where you have staff meetings. He wasn't going to talk about this but it was something that bothers him from time to time. (inaudible)...but as long as you don't have a quorum you can have a "staff meeting" with one or maybe two people attending. It is not an official Commission meeting but he believes that if you have three people, which he believes is a quorum then you have to advertise it. He commented that he wonders how these meetings are called and miraculously there are only one or two people from P&Z there. He asked how that happens and if they draw straws and then (inaudible)

Chair Parkins responded that he was misrepresenting it.

Mr. Widomski asked if he was misrepresenting it.

Chair Parkins responded yes, he is misrepresenting it.

Mr. Widomski commented OK and said he would stop but asked how the meetings come about and people aren't notified. He commented that he may have overstated it. The other point was about the traffic and he asked the Board to spend a morning or an evening there around 5 p.m. to see what the traffic is like.

**Joan Flannery, 8 Partridge Lane, Shelton addressed the Commission.** Ms. Flannery stated that she was here representing We Are One and she's sorry that Irv Steiner could not make it. She stated that We Are One is an organization of about 100 families that was started by Irv Steiner about 10 years ago to stop this kind of overdevelopment of R-1 land. It was zoned in the Master Plan as R-1 years ago she went to all of those meetings, she was there and they talked about what should be R-1, what should be the Business District, etc. She stated that it is not going to change and if want to change it then change the Master Plan which is coming up in 2015 or 2016. Go to those meetings and if you want to get that land changed to 20 condos then they can do it there.

Ms. Flannery commented that when she worked with Irv on We Are One, the developments were on Armstrong Road and Wells Hollow on the Far Mill River. Yes, they didn't condos and apartments and they didn't get some houses built close together and they are still upset about that and they are upset that R-1 is not staying R-1 when it is zoned R-1.

There are other considerations that no one talked about and asked about all the sewers, the WPCA needs to have 20 condos with all that sewage to take care of. That is not very good. If you had R-1 they would have their own septic and well water so it wouldn't be a problem for the WPCA.

Another point was how close it is to Bridgeport Avenue. Yes, it is close but it is not Bridgeport Avenue so if they want to use that kind of logic – well her house is close to Bridgeport Avenue so why doesn't she put 20 condos on her property and she could become a millionaire too. The traffic was not represented realistically. During peak hours with 20 condos, that is about 40 cars, 40 trips if you figure there are two cars per condo. Ms. Flannery stated that those are her points and she is glad that somebody else brought up about the school buses also. She thanked the Commission.

**John Pinto, 50 Shelton Road, Shelton addressed the Commission.** Mr. Pinto stated that he lives across the street from the property that they want to develop. His major concern is that he has two young sons and he commented that he doesn't know when the gentleman went there to look at the traffic but there is a lot of traffic going toward and away from Trumbull onto Bridgeport Avenue and onto the highway. As others said, they are looking at 40 to 60 additional cars. It is impossible to make that left that the traffic guy was talking about.

Mr. Pinto asked that the Commission think about this seeing that there will be kids, more people, the wetlands before just giving this person the chance to go out and build 20 more condos. If he wants to build them, let him build them next to his house.

**Terrence Gallagher, 43 Judson Street, Shelton addressed the Commission.** Mr. Gallagher stated that he wasn't going to speak tonight but a couple of things came up which he had some information about so he thought he would share it with them. Regarding the Avalon Bay project up the street, he worked on the PDD when Shelton originally approved that. Mr. Gallagher commented that PDD's are a very good tool when you have mixed uses of property, unique geographical constraints and you cannot just take something out of the normal City Regulations and just plunk it on the property.

Mr. Gallagher stated that particular parcel had an existing factory on it that they were trying to keep in operation and they were trying to build a hotel next to an area of steep slope. There is also a stream going through the middle of it coming down from Trap Falls Reservoir to Beaver Dam Lake that carries the main water supply from Trap Falls, feeding Stratford in the back that could not be disturbed by blasting. He added that on top of that there was a non-access line on Bridgeport Avenue so you couldn't put a driveway there opposite Exit 11 where they have the traffic signal now.

Mr. Gallagher stated that to make a long story short, that was approved by the City originally to have low density residential in the back along Huntington Street when all the affordable housing projects came in later after the hotel was built, that was when that got upped to a high density project but the original approval that the City envisioned was to maintain residential character along Huntington Street and that was what was approved. The City was very good at working with the developers on that and they crafted some very nice things there to protect Stratford's water supply, the Beaver Dam Lake and all of those other conjoined uses.

Mr. Gallagher stated that he was not really convinced that the PDD is a good choice for this parcel. He indicated that he was out there on Friday at lunchtime and not only is it the turning movements through the traffic lights, you can see the decisions that the drivers make. That is one reason why, when a traffic signal goes up to Conn. DOT – of Office of State Traffic Administration for approval, they actually look favorably when you can eliminate curb cuts because it eliminates one more spot where people have to make a decision on folks turning in and out. He's sure the net volume of traffic from the single family house or ten houses or ten condos is all relatively average daily traffic volume on Bridgeport Avenue and Shelton Avenue there but that is one of the gateways to their City. It is a very busy intersection either having low density residential or something like his friends at the Land Trust, having the Arboretum there, even though it is a pocket park actually works well because you don't get a lot of traffic going in and out of that. He noted that he was a member of the Shelton Land Trust but he was not speaking here on that, he was speaking for just himself.

Mr. Gallagher stated that when he went to pull out of there at lunchtime on Friday, he had to do exactly what everyone was saying about the queuing at the island in front. He couldn't go out and go left. He had to go down to Golden Hill Road, turn around down the street, come back through the intersection. He indicated that he thinks that is a valid concern and if the City wants to get a different traffic engineer, an independent one to look at the operations of the intersection and how adding one or more driveways in there will affect it then they are well within their rights.

Mr. Gallagher stated that he thinks the PDD is a good use for some parcels but he is not sold on this one. He thanked the Commission.

**End of Tape 2A, 9:23 p.m.**

**Thomas Harbinson, 15 Soundcrest Drive, Shelton addressed the Commission.** Mr. Harbinson reiterated the comments that the previous speaker made about traffic. He stated that he does banking for his business down at Chase Bank on the corner of Bridgeport Avenue where there used to be a Blockbuster Video. When he exits out of that property to make a left turn to go toward Derby, it is very complicated. No matter what exit he uses, he has to cross at least three lanes of traffic. Although this application may not add a great volume of traffic, it does add

the potential for conflict; whether it is conflict because decisions have to be made by drivers, because that is where accidents tend to occur so for that reason he asks the Commission to look closely at the traffic issues for this development. He thanked the Commission.

**Judy Lanchak, 222 Huntington Turnpike, Trumbull addressed the Commission.** She stated that she is also Judy Morey, the listing agent of that property prior to all of this. She stated that she wanted to speak; her heart has been deeply entrenched in this. She commented that she does not even live in this town but she sells real estate around here and they are getting, in every town that she sees, and she's been doing this since 1985, there is too much, too many buildings, too many people, too many cars, too much traffic and she asked when it all stops.

Ms. Lanchak stated that they have a beautiful town here and that is a beautiful intersection. The best use for that parcel would be for the Land Trust and the Town to take it over, keep it pretty, keep it nice. They have to protect their trees, their ponds, their wildlife and make things nice for their citizens. She commented that the P&Z Commission in every single town, and she doesn't care where it is in this country, wields such power. They are the people that can make a town nice or they are the people that can make a town a piece of crap. As a real estate agent, Ms. Lanchak indicated that she takes a lot of pride in what she does and standing up here tonight will make her a few enemies, but they have to do what is right in their hearts and what it is telling her is right is that they take into consideration what they have here. This decision is going to be so important. She passes up and down that street every day and she hates to see something like this happen.

Ms. Lanchak commented that she was not going to speak tonight. She was going to stay quiet and just sit and listen but she can't sit and listen and not say something. Ms. Lanchak noted that they haven't heard anybody say a good thing about this project other than the developer and his attorney and his group of people. Ms. Lanchak indicated that she has been in contact with the owner of this property and he is well-intentioned. She isn't a public speaker and she is very upset with what she took as a listing and wanted the best for. This condo complex is not the best use for that property. She asked that they please understand this and if they let this go through, it is a mar on their town. She added that there are enough condo complexes around Shelton and they don't need another one. Ms. Lanchak asked that they take care of what they've got before they start adding to it. She thanked the Commission.

There was a lot of audience applause.

Chair Parkins asked Ms. Lanchak if she said that she was the listing agent for this property.

Ms. Lanchak responded yes, she was but not anymore. She was for a while.

Chair Parkins commented OK, she just wanted clarification on that. She indicated that there was a lot of information that still needs to come in and be reviewed by the Commission. There are still reports that they need from the Greater Bridgeport Planning Agency, the Town of Stratford, the Police Department, the City Engineer's Revised Report based on the current plan addressing the Drainage and Traffic Reports. She suggested that the public hearing remain open and she asked for a motion. She commented that they are getting into the holiday season and they have other public hearings and meetings scheduled so January 13<sup>th</sup> would be the time to continue it to; however, they would need permission from the Applicant.

Mr. Guedes responded that would be fine.

Mr. Schultz asked Mr. Guedes to sign authorization for that.

**On a motion made by Nancy Dickal seconded by Thomas McGorty, it was unanimously voted to continue the public hearing for Application #14-20 until January 13, 2015.**

Chair Parkins reminded everyone that since the public hearing remains open, Commission members cannot be contacted. They can contact Staff with questions but they cannot contact Commission members. She called a brief five minute recess.

**Recess 9:24 p.m. – 9:30 p.m.**

**OTHER BUSINESS**

Chair Parkins resumed the meeting with Other Business and rescheduling the public hearing for Application #14-26.

**APPLICATION #14-26: MODIFICATION OF PDD #24, 705 – 711 BRIDGEPORT AVENUE: RESCHEDULE PUBIC HEARING DATE**

**On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to reschedule the public hearing for Application #14-26 until January 13, 2015.**

**CRANBERRY HILL ESTATES: AUTHORIZATION TO RECLASSIFY OPEN SPACE AREA AND ELIMINATION OF PEDESTRIAN EASEMENT**

Mr. Schultz presented a site map of Cranberry Estates and indicated this was a PRD, not a PDD. He said that the Commission approved 40 units here and they are all finished. One of the conditions of approval was that the open space goes to the City of Shelton subject to the BOA approving it. Another condition was the BOA accepting a pedestrian easement within that open space area. He indicated that the BOA rejected all those conditions as the legislative body.

Mr. Schultz reiterated that the project went ahead so now the City of Shelton does not want the open space so the Association owns the land. They took it upon themselves to record this map which makes this open space common land. They own it and there is no pedestrian easement. The purpose of that pedestrian easement was to allow the neighborhood, including Partridge Lane, to work their dogs through it. The BOA specifically stated that they do not want that liability.

Comm. Harger commented that in effect, they are making it private.

Mr. Schultz responded yes, private community, private open space. They cannot propose any development unless they have a public hearing on it.

Chair Parkins asked if they were still paying taxes on it.

Mr. Schultz responded yes.

Chair Parkins asked if the conservation easement had restrictions on it.

Mr. Schultz responded yes. He indicated that they were premature in the filing of the map before it came before the Commission to redesignate that open space area and eliminate the pedestrian easement. He added that you just can't do it on your own. The Commission imposed that as conditions of approval.

Chair Parkins asked who filed it.

Mr. Schultz responded that the Association did. They hired the Huntington Company, LLC to file this record map.

Comm. Harger asked how long ago.

Chair Parkins asked what the process was in terms of coming to City Hall to file such a map.

Mr. Schultz responded that they record it in the Land Records and it is normally brought to his attention. When maps are filed, they bring it to their attention but this was not done.

Comm. Harger asked when it was done.

Mr. Schultz responded June 30, 2014.

Chair Parkins asked who normally notifies him.

Mr. Schultz responded that the Town Clerk does. They can't stop someone from recording a map, if you are an attorney or land surveyor, you can record a map on file but they are normally notified so that they can review it and advise if it is improper or whatever the case may be.

Comm. McGorty asked what caused that process to break down.

Mr. Schultz responded that he didn't know but when it came to the Assessor's Office on the assessment of it that is when it came to the attention of the P&Z office. They then contacted Assistant Corporation Counsel that ultimately reviewed it and told him that it has to go before the Shelton P&Z Commission. The P&Z Commission has to reclassify the open space area and eliminate the pedestrian easement because those were two conditions of approval. Mr. Schultz indicated that nothing has changed with the project, it stays the same. It is all private and the Association controls it but you can't walk on. The Aldermen said that they don't want that liability.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to authorize the reclassification of the open space area and the elimination of the pedestrian easement for property located at Cranberry Hill Estates.**

#### **ADJOURNMENT**

**On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to adjourn the meeting at 9:40 p.m.**

Respectfully Submitted,

*Karin C. Tuke*  
P&Z Recording Secretary