

SHELTON PLANNING AND ZONING COMMISSION

JANUARY 28, 2015

The Shelton Planning and Zoning Commission held a special meeting on Wednesday, January 28, 2015 at Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Nancy Dickal
 Commissioner Virginia Harger (arrived 7:07 p.m.)
 Commissioner Ned Miller (alt. for Comm. McGorty)
 Commissioner Anthony Pogoda (via Skype)
 Commissioner Jim Tickey

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

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

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Chair Parkins called the Special Meeting of the Shelton Planning & Zoning Commission to order at 7 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that Comm. Pogoda was in attendance via Skype and alternate Commissioner Ned Miller would be acting on behalf of Comm. McGorty who is not present. Additionally, P&Z Consultant, Tony Panico is in attendance via conference phone.

Chair Parkins stated that they will have three public hearings this evening. She reviewed the public hearing process and the procedures for Applicants and for those in the public wishing to address the Commission. She asked Mr. Schultz to read the Call of the Hearing for the first public hearing concerning an amendment to the Zoning Regulations for Section 45.

PUBLIC HEARINGS

PROPOSAL OF THE SHELTON PLANNING & ZONING COMMISSION: AMENDMENT OF THE ZONING REGULATIONS (SECTION 45: ADDITIONAL STANDARDS) PERTAINING TO THE RAISING AND KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS

Richard Schultz, P&Z Administrator read the Call of the Hearing (including the Draft Amendments to Section 45 and three applicable pieces of correspondence).

***See attached Shelton Zoning Subcommittee Draft Amendments for the Keeping and Raising of Chickens in Residential Districts, Section 45, Additional Standards dated September 25, 2014.**

***See attached correspondence dated Greater Bridgeport Regional Council dated January 20, 2015 to Chairperson Ruth Parkins from the Greater Bridgeport Regional Council, Executive Director, Brian Bidolli.**

***See attached correspondence dated January 12, 2015 to Richard Schultz, P&Z Administrator from the South Central Regional Planning Commission, Chairman, Kevin D'Amato.**

***See attached correspondence dated January 13, 2015 to Richard Schultz, P&Z Administrator from the Office of Long Island Sound Program, CT DEEP, Krystal Kallenberg.**

Mr. Schultz reminded the public members to sign in if they wished to speak to the Commission and indicated that copies of the Draft Zoning Regulations were available at the front table so that they could follow along.

He added that as a part of the exhibits that will be entered on behalf of the Commission besides the Council of Governments, they have a narrative entitled "Background on the Keeping and Raising of Chickens" (page 2 of the Draft Amendments for Section 45).

Comm. Harger arrived at 7:07 p.m.

Mr. Schultz provided some background regarding the proposed amendments. He indicated that some time ago the ZBA received a variance to allow chickens on a three acre parcel which was below the 5 acres or 200,000 square feet which is considered five builder's acres. The ZBA asked the Applicant to withdraw and send a request to the Planning & Zoning Commission to revisit its Zoning Regulations. The Zoning Subcommittee took up that pass and tonight they have their final draft supported by the P&Z Commission. He reiterated that the purpose of tonight's hearing is to get input from the public and in all likelihood the public hearing will be continued.

Chair Parkins indicated that Comm. Harger had arrived; however, Comm. Miller would continue to sit in as alternate for Comm. McGorty.

Mr. Schultz stated that he wanted to read some background information that is pertinent to the proposal. He read that the 1952 Zoning Ordinance first established the subject regulation allowing up to 20 chickens or similar poultry on lots smaller than two acres. This regulation was consistent with an agricultural-based community at the time. They have earlier Zoning Regulations but those are the modern Zoning Regulations that this Commission uses as a basis.

Secondly, this regulation was amended on November 2004 which increased the minimum lot size for the keeping and raising of any poultry to 200,000 square feet or 5 builders acres. Mr. Schultz indicated that during the public hearing, the P&Z Commission determined that it was time to use stricter standards as the community was more suburban than rural than it was in 1952. Between the free-roaming of chickens and the crowing of roosters this activity in residential areas had become a public nuisance.

Mr. Schultz read that in 2014 a zoning complaint was received for the illegal keeping and raising of chickens at 100 Walnut Avenue on a two acre parcel. The property owner went to the ZBA to receive relief on this regulation. The application was eventually withdrawn but ZBA requested

the P&Z Commission to revisit this regulation. The P&Z Commission referred this matter to the Zoning Subcommittee who prepared a final draft which they are considering tonight in regard to how they will proceed with these draft amendments.

Mr. Schultz stated that he would go into the Draft Regulations that are being considered. ***In Section 45.9 for the keeping and raising of chickens when accessory to a permitted dwelling unit in any residential district.*** He clarified that the residential districts are identified as R1, R1-A, R2, R3, R4 and R5. He continued that ***the residential district is on a lot less than 200,000 square feet and meet the following conditions.***

Mr. Schultz read the conditions and commented that in Shelton 200,000 square feet is considered a farm and you can have unlimited livestock and poultry, including roosters. He read the standards and conditions:

45.9.1 On lots containing between 40,000 square feet and 80,000 square feet no more than 5 chickens shall be permitted. Roosters are prohibited.

45.9.2 On lots containing between 80,000 square feet and 199,999 square feet no more than 10 chickens shall be permitted. Roosters are prohibited.

He added that once you get 200,000, you can have unlimited poultry.

45.9.3 All chickens shall be kept within appropriate enclosures or coops at all times and shall not be located within 50 feet from any side or rear property lines. No enclosure or coop shall be located to the front of the dwelling. All enclosures and coops shall be located on moderately well-drained and/or well-drained soils and properly maintained at all times. No chickens shall be allowed to free roam.

Mr. Schultz commented that the two biggest complaints that they have received are in regard to roosters crowing and people not maintaining coops and enclosures and allowing the chickens to free roam.

45.9.4 All enclosures and coops shall be appropriately screened from view from any adjacent property line and street line at all times.

Mr. Schultz commented that if a neighbor does not want to look at these areas, the property owner will have to screen them. Staff uses its judgment; obviously, fencing or evergreens can be used.

45.9.5 All chickens and their eggs shall be used by the owners/occupants of the property. The selling of eggs and/or chickens to the general public is prohibited.

Mr. Schultz stated that, obviously, you can lease your house out so the occupants are entitled to this activity. He added that the Commission does not want to see street stands like they do for farms of five or more acres. The intent and purpose is for personal consumption and use. He added that they can give eggs to family members or neighbors for free but if they see a sign out there that says "Eggs for Sale," that will raise a red flag that they will have to deal with.

45.9.6 All enclosures and coops shall be maintained using best animal management practices to insure that chickens are kept in a sanitary condition so as to not be a public

health hazard as determined by the Lower Naugatuck Valley Health District and/or the State Health Department.

Mr. Schultz commented that literature is out there. You can go to the Health District or go online to the State website regarding how to maintain these enclosures or coops satisfactorily. He indicated that another complaint that they have seen over the years is that the poultry attracts rodents and that is directly related to the keeping and maintenance of these areas. There are ways to keep them clean and Staff will rely on the Health District and the State if they have to. He reiterated that they have to be kept clean just as they would for the keeping of livestock. This is something that the State has a lot of literature on and also the Health District. Mr. Schultz concluded that these were the proposed regulations.

Chair Parkins asked the Commissioners if they had any questions or comments regarding these proposed regulations.

Comm. Harger responded that she would like to hear what the public has to say. Comm. Tickey agreed.

Chair Parkins opened the public hearing to the audience members and thanked them for coming out for the meeting because the Commission really wants to hear their input on this.

Robert Zaleski, 3 Walnut Tree Hill Road, Shelton addressed the Commission. Mr. Zaleski commented that he wrote a letter that he had intended to submit but decided to come in person. He wrote the letter to voice his opposition with regard to the proposed change in the ordinance regarding the raising of chickens on less than five acres.

Mr. Zaleski read that it is their belief that many citizens want to raise chickens for their own egg production and ultimately for consumption on less than the current acreage guidelines. Many people raise chickens without knowing how it affects not only the next door neighbors but property owners to the rear of their property and those whose property lines adjoin them on the corners that intersect as well as those beyond. Therefore, one clutch of chickens affects six property owners or more. Sanitation becomes an issue when the chicken droppings are not disposed of properly. Chicken feed and chicken droppings will attract rats. On a chicken farm with the proper acreage, feral cats are usually present to mitigate this problem; however, with chickens being raised in the close confines of less land area, the rat infestation will become prevalent with no natural controls.

Mr. Zaleski continued that fresh eggs are available in many areas of Shelton from local egg farmers whose property is maintained as a farm. They all like to support the local farmers. Limiting the number of chickens is an unmanageable task. They could say that they'll allow 6 chickens and no roosters but asked who would monitor this. They would have to hire a full or part time chicken checker. They have all heard "give a man an inch and he'll take a mile." He asked who would be responsible for the exterminator fees for the neighbor who suddenly has a rat problem that he never had before. He certainly didn't do anything wrong.

Mr. Zaleski asked if the City would suspend an ordinance that forbids the discharge of firearms within the City limits so that they can (inaudible) for rats in their own background and limit the use to only a 22 short edition. He asked how they would enforce that.

Mr. Zaleski commented that the problem becomes more personal to them as they have new neighbors that have turned a \$500,000 house on Elizabeth Street into a nightmare. They have

erected a coop or a barn covered with a plastic tarp and they are now raising chickens, roosters, goats and turkeys; this is a one acre lot. He indicated that he has seen them dumping waste into a brook that is on his property as well as cutting trees on his property. He has approached them and indicated where the property lines are. He added that the brook feeds Grove Manor Estates pond and then runs to Trap Falls Reservoir. Their Reservoir is only a half mile from this site. Mr. Zaleski indicated that complaints have been made to the P&Z. P&Z has written letters to the party involved regarding this problem and also visited the property. It seems as though any actions thus far haven't meant anything to them for they continue to do what they want despite the present ordinances. He thanked the Commission.

Joyce Zaleski, 3 Walnut Tree Hill Road, Shelton, CT. Mr. Zaleski indicated that Joyce Zaleski would have redundant comments.

Mr. Schultz asked Mr. Zaleski to submit his letter to the Commission. Mr. Zaleski submitted his correspondence.

Ed Conklin, 60 Gray Street, Shelton addressed the Commission. Mr. Conklin indicated that he was the Chairman of the Zoning Board of Appeals. He thanked the Commission for helping them out with this. He wanted to comment on a couple of things that are going to create a problem for the ZBA.

Mr. Conklin referenced the 50 foot setbacks that they have. As they stand, a lot of that has been set right in the middle of the building lot itself. So if anybody comes in front of the ZBA, basically, predisposed (inaudible) of how they act on this, and saying that the chicken coop itself is going to be in the kitchen of someone's house in the backyard becomes hardship so that alone is going to become a problem. He added that he can see it himself.

In regard to 80,000 square feet, he asked which they should give them – five chickens or ten chickens. He commented that they have to delineate whether it is going to be up to 79,999 or not.

Chair Parkins agreed.

Mr. Conklin stated that he tried to go online for Naugatuck Valley Health for the heck of it to see what restrictions there were. As far as NVH goes, he suggested that they be contacted and asked to put something up on their website to provide a link to somewhere because there is nothing there. He tried chicken, poultry and tried to search for anything he could think of and came up with nothing. He reiterated that it would be a good idea to contact NVH. He thanked the Commission.

Chair Parkins asked if he tried to search on livestock.

Mr. Conklin responded yes, he did.

Matt Dennis, 3 Earl Street, Shelton addressed the Commission. Mr. Dennis provided some handouts for the Commission. Mr. Dennis stated that his position is that he thinks that the ordinance as proposed is a little bit restrictive based upon everything that he could find online. Mr. Dennis handed out some information he found online about keeping backyard chickens. He stated that the bottom line is that this is becoming more popular because everyone wants to be self-sustaining, eat organic food, etc. so he thinks that is the big push nowadays across the

country with gardens, chickens, small livestock and knowing about the sources of food and that it is organic because they've raised it themselves.

Mr. Dennis stated that some of the benefits of chickens that he has noticed, and this goes to the free range chickens, the eggs have been found to have more Omega 3's, higher vitamin counts and are better for you. He realizes that it is a problem based upon other people's testimony. It is hard to keep them contained but free range chickens eat ticks. Ticks are a huge problem in Connecticut so they have one problem offsetting another so it is something that he asks them to think about in regard to the free range. If no one is complaining – he understands that if someone is complaining, P&Z needs to take care of it but if no one is complaining about the free range chickens than he would say just let them go because they are eating ticks. He referenced that prior to having chickens wandering in his yard, his cat would come in every day with 3 to 5 ticks on him; after having the chickens for about 3 months, the cat came in in with zero ticks.

Mr. Dennis stated that in regard to the manure, it is obviously a problem if it accumulates and isn't taken care of properly. He commented about some information regarding manure. He referenced it to say that 6 hens produce about the same amount of manure as one medium dog. He reiterated that 6 chickens produce the same amount of feces as a medium sized dog. He questioned why they were regulating chickens but not the other animals, if manure is the concern.

Mr. Dennis commented about an information article discussing the benefits of having chickens which included the fact that chickens eat just about anything; therefore, when there is food waste, whatever it is, the chickens will eat it. He used to put it into a compost pile but now his chickens are eating all of it. He commented that food waste wouldn't be going into the system, the landfills, etc. and it is producing manure which can be recycled back into his garden. It is a little eco-system that he has going. He commented that he realizes that there has to be limits because they are living in a city – but within reasons. He restated that the regulations as written with five chickens to an acre are a little restrictive.

Mr. Dennis commented that he studied this subject in college and added that laws can be regressive from an economic standpoint. What they are doing here is limiting the ownership of chickens to anyone who has an acre of land – he stated that was a regressive law. He proposed that the Commission think about it and maybe do a quarter acre, 2 chickens; half acre, 4 chickens; $\frac{3}{4}$ acres, 6 chickens and one acre, 8 chickens or something like that. Mr. Dennis commented that they are opening up the possibility and the availability of fresh food, eggs, etc. to people who aren't fortunate enough to own a full acre of land.

Mr. Dennis stated that he found something that goes back to WWII which is interesting. He commented that since it is from WWII he wasn't sure of the accuracy, but 17% of America's oil use when to agricultural production; 25% of that oil was for fertilizer so if they are using the manure from the chickens to create their own fertilizer then they aren't using oil or fertilizer; hence, the whole thing is about being organic. He added that as a part of the organic guidelines, if you are using fertilizer in your fields than you're are not an organic farmer. He stated that he was originally from Vermont and there are a lot of farmers up there who haven't gone organic because they have to go six months to leech all that fertilizer out of the soil before they can certify their crop or herd, or whatever they are certifying as organic. He concluded his comments.

Chair Parkins asked if there was anyone else wishing to speak for or against this proposal. She added that any comments are welcomed and appreciated.

Janet Laskos, 10 Perch Road, Shelton addressed the Commission. Ms. Laskos commented that she agrees that the chickens should be allowed but she thinks that these proposed regulations are little bit restrictive. She liked the idea of allocating a certain number of chickens per the amount of property owned. Ms. Laskos indicated that she agrees with the “green” movement to support chickens being allowed on people’s residences. She pointed out that when you allow the chickens, they are going to have people that will need to buy chicken feed and coops which will support local businesses as well. It brings a sense of community and she is in favor of it.

Chair Parkins thanked Ms. Laskos and asked again for any comments about changing these regulations.

Chair Parkins asked Comm. Pogoda if he had any comments.

Mr. Schultz asked if he agreed with Comm. McGorty about keeping the hearing open because there is no time frame for a PZC proposal.

Comm. Pogoda responded that he would like to keep it open for further discussion.

Chair Parkins asked for a motion to keep this public hearing open. She thanked everyone who came out to speak and the newspapers for covering it.

Mr. Schultz commented that he would schedule the continuation (inaudible).

Comm. Harger asked if this would be open until the second meeting in February.

Chair Parkins responded yes, 2/25/15 – the fourth Wednesday in February.

On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to keep the public hearing open until February 25, 2015 for the Proposal of the Shelton Planning & Zoning Commission Amendment of the Zoning Regulations (Section 45: Additional Standards) pertaining to the raising/keeping of chickens in residential districts.

APPLICATION #14-25: PETITION OF JOHN WATTS FOR MODIFICATION OF PDD #60 INCLUDING BASIC DEVELOPMENT PLANS (CONCEPTUAL), DETAILED DEVELOPMENT PLANS, AND STATEMENT OF USES AND STANDARDS (SITE D: 23 MULTI-FAMILY UNIT DEVELOPMENT), 235 CANAL STREET (MAP 129C, LOT 17).

Mr. Schultz indicated that he had the letter of withdrawal and read the Call of the Hearing for Application #14-25.

He stated that the Commission has received a letter to request the withdrawal of Application #14-25 from the Applicant.

Chair Parkins read the letter from the Applicant, John Watts requesting withdrawal without prejudice for Application #14-25. She requested a motion to accept the withdrawal of Application #14-25

***See attached correspondence dated January, 28, 2015 to Ruth Parkins, P&Z Chair from John W. Watts.**

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to accept the letter requesting withdrawal of Application #14-25 without prejudice.

Mr. Schultz stated that as a side note, Mr. Ryan was going to present to the Commission tonight, his scope of services for Phase 4 for the upgrade of Canal Street which affects both Site C and Site D. It was his opinion that any pending applications before the P&Z Commission should be withdrawn at this time so they can finish their engineering for that portion of Canal Street. The right-of-way, in all likelihood has to move easterly toward the Housatonic River which may go into private property. If that is the case it will directly impact this site and the adjacent Site C. In all likelihood they will be receiving a letter of withdrawal from Mr. Guedes so this engineering study can be completed. It is a significant Planning issue that has to be addressed first by the Shelton Economic Development Corporation.

Chair Parkins added that they anticipate that study being done within a couple of months.

Mr. Schultz responded yes, 30 to 60 days, 60 to 90 days.

APPLICATION #14-28: PETITION OF CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR MODIFICATION OF DETAILED DEVELOPMENT PLANS AND STATEMENT OF USES AND STANDARDS FOR PDD #27 (HAMPTON INN: ROOF-TOP WIRELESS TELECOMMUNICATIONS FACILITY), 695 BRIDGEPORT AVENUE (MAP 29, LOT 1).

Mr. Schultz read the Call of the Hearing for Application #14-28. He indicated that the Applicant has submitted the certified notices. Chair Parkins commented that everyone should have received the package of drawings.

Atty. Ken Baldwin, Robinson & Cole, 280 Trumbull Street, Hartford addressed the Commission. Atty. Baldwin stated that some of them may recall that they came before the Commission about nine months ago in the first round for this proposal. It is, as stated in the Call, a proposal for an amendment to PDD #27 which would allow the establishment of a rooftop telecommunications facility at the Hampton Inn at 695 Bridgeport Avenue.

Atty. Baldwin commented that the original proposal, as they may recall included a shelter with antennas on top of the shelter at the northerly end of the roof. There were not a lot of nice things that the Commission had to say about that proposal. He thinks that they've been able to work thorough a lot of those issues and address some of the Commission's concerns and they're happy to present the significantly revised application to them tonight.

Atty. Baldwin introduced others in attendance with him including Sandy Carter, Regulatory Manager with Verizon Wireless; Ryan Rolande, Radio Frequency Design Engineer with Verizon Wireless; Rachel Mayo, Land Use Analyst for Robinson & Cole; and Carlos Santori, P.E., Principal of Sentech Engineers who are the project engineers for this proposed facility.

Atty. Baldwin reiterated that they were here about nine months ago with a similar installation, different in design but similar in its overall purpose. The current proposal looks significantly different and takes into consideration a number of concerns that the Commission had with the prior proposal focusing almost exclusively on balancing the site on the roof of the building and trying to mimic the existing architecture as much as possible.

Atty. Baldwin stated that they have spent at least six of the last nine months working with the property owner, the building owner and working with their architects in order to get this facility to look, what they think, as a much better option than the one originally proposed. Atty. Baldwin thanked the Commission for their comments and added that they had the opportunity since withdrawing the Application last time to sit down with the Chairperson, Rick Schultz and Tony Panico to talk about some other design options.

Atty. Baldwin indicated that he'd like the Project Engineer to go through the elements of the current design. They also have some new photo simulations which should be included. He has extra copies if they don't have them. He added that the project plans are two dimensional in many respects and the elevation drawings give a good flavor of what the facility will look like. In working with the owner's architect, they were able to prepare some photo simulations that everybody is very happy with. He thinks they provide a good idea of where...He passed out copies of the photo simulations because the Commissioners did not receive them.

Chair Parkins asked Tony Pogoda if he had a copy of the color photo simulations.

Comm. Pogoda responded that he didn't think so but would check again in the packet.

Chair Parkins offered to hold them up on the PC monitor.

Carlos Santori, P.E., Sentech Engineers addressed the Commission. Mr. Santori presented renderings of the roof plan, Z2 to give a summary of what this installation entails. He explained that what Verizon is going to need on this rooftop is their equipment shelter which is going to be a 12' x 24' building that houses both their radio equipment and their emergency standby generator, in case of a power outage, to keep their service online.

Mr. Santori stated that the shelter is mounted to a steel frame or dunnage that is attached to the building structure. On this particular installation they are installing four of the antennas on the north side of the building, façade-mounted, flush to the building, and painted to match the building so these antennas are basically (inaudible) by the coloring and blending in with the face of the building itself. The other two sectors of antennas, because they use 12 antennas altogether, are on the south façade of the building which is the side of the building facing Bridgeport Avenue. Those two sectors of antennas are enclosed within an RF transparent concealment structure. He explained that means that it is a concealment structure that is constructed with materials that allow the cell signal to propagate through the panels. Typically, it is a fiberglass-type product or fiber and foam product that is used.

Mr. Santori explained that the utilities are all run from inside the building, power is provided by the building, gas is from the building and phone service to the shelter is provided to the building.

Mr. Santori referenced diagram Z3 that provides the building elevations. He indicated that it was a 6-story structure. On the southeast elevations, the side facing Bridgeport Avenue; on the front of the building they will have two concealment structures east and west that are approximately 12 feet above the finished roof and are set back about five feet from the edge of the roof behind the existing low cornices on the building. The shelter is set back considerably more than – about 40 feet back from the edge of the roof and it stands about 14 feet above it.

Mr. Santori indicated that what they did with the design is that they played around with a couple of different cornice options to see if they could mimic what was on the building. Some of the

heavier cornices didn't balance right by adding them to the enclosure. He commented that there is a cornice detail that is prevalent on the building; it's the cornice that is less evident around the building in which they took the same shape and applied it to both the enclosures for the antennas and also the shelter to kind of blend those in.

Mr. Santori commented that it was modeled with the owner's architect. They played around with a couple of options that weren't very aesthetically pleasing. From that they generated their photo simulations in which they'll be able to see how it will look.

Chair Parkins commented that when they first began they talked about some antennas being on the side of the building.

Mr. Santori responded no, on the side of the equipment shelter – on Verizon's building. He indicated that he would go back to the roof mount diagram. He explained that for the installation there are 12 antennas, 4 per sector. A sector is the direction that the antennas point, usually about 120° apart. He showed the antenna locations at the Alpha sector, Beta and Gamma which points north and that particular set of antennas is actually mounted to the base of the equipment shelter.

Chair Parkins asked if that was in the back.

Mr. Santori responded yes, in the back and they will also get painted to blend into the shelter.

Chair Parkins asked for clarification as to how high the equipment shelter would be.

Mr. Santori responded that the equipment shelter is 14 feet above the finished building.

Chair Parkins asked if the antennas exceed that 14 feet.

Mr. Santori responded that it does not. It is actually going to be lower than it – actually the same height as the antennas in the front of the building. The top of those antennas are 12 feet above the finished roof so the top of the antenna is going to be about 2 feet below the top of what they see there on the shelter.

Atty. Baldwin commented that he thinks that what the photo simulations show, and what they don't get from the two dimensional elevation drawing of the building is – because that equipment shelter is pushed toward the back of the building - which was one of the Commission's concerns the last time – they were trying to push that shelter as far back on the building roof as possible. He added that the shelter itself can only be seen on two of the photographs where they are further away from the building and at a higher overall ground elevation and being treated with the same architectural cornice work that Carlos mentioned. The screening structure will also be using that same cornice work. He commented that in photo location #1, for example, taken going south on Bridgeport Avenue, it shows the three structures on the roof from a distance.

Chair Parkins presented the photo to Comm. Pogoda on Skype.

Comm. Pogoda commented OK.

Atty. Baldwin indicated that all three structures can be seen for the most part in photo location #2 and as they get closer to the building in photo location #3, farther away in the easterly direction and at a higher ground elevation they can see the top portion of the shelter.

Chair Parkins showed Comm. Pogoda photos #2 and #3 on Skype.

Atty. Baldwin stated that in photo location #4, they are closer to the building itself and they lose sight of the shelter behind that existing architectural feature on the building just above the Hampton Inn's sign. He indicated that the other two screening structures that Carlos identified are shown in a balanced nature on the rooftop screening those two sectors of antennas in an effort to have that blend in nicely with the existing architecture. He added that the building owner's architect has been very helpful in the last several months putting together these new plans.

Comm. Dickal asked if the antennas they are proposing would be put inside this shelter.

Chair Parkins responded no, they are behind them.

Comm. Dickal commented OK, behind them.

Chair Parkins stated that they were actual screens, not really an enclosure. She asked for clarification that was correct.

Atty. Baldwin responded yes. Mr. Santori added that it was a three-sided screen with two returns that are 6 feet and the face is 24 feet.

Comm. Dickal asked if they were expected to be lower than the structure.

Mr. Santori responded yes, they will be lower. The top of the antennas is probably 3 or 4 inches lower than the top of that screen wall.

Comm. Harger pointed out a drawing where it is shown better.

Mr. Santori commented that in drawing Z3 they show the antennas in hidden lines. The best place that it shows up is on the larger elevation as four narrow rectangular objects with dotted lines.

Comm. Dickal asked about the corporate offices behind them that are taller and if people working there would be able to see these...

Chair Parkins responded that you could see them now – you can see the roof on all of these buildings where they keep the mechanical equipment and everything that is located there because you are sitting up high.

Mr. Schultz added that they are painting them though.

Comm. Dickal asked if they were hoping to blend them in.

Mr. Santori responded from the exterior elevations, the front elevations, they will be painted to blend in with the building. They don't typically paint the interior of that enclosure because it is

for equipment-related antennas. They can paint them; it is not unheard of to paint them but he doesn't know what the advantage would be.

Chair Parkins stated that the visual is more important from the street side – the retail side more so than from the corporate side.

Mr. Santori commented that they have mechanical equipment on the roof now.

Chair Parkins responded that there is on all of the roofs.

Mr. Pogoda commented about a building on Huntington Point with the cell towers who did a great job in matching the building exterior with the shell of the tower there. He added that Rick knows what building he's referring to.

Mr. Schultz responded yes, absolutely he knows – at Huntington Point.

Comm. Pogoda commented that it is not something they should look at – the cornices should be like everything else and pretty much match the architecture of the existing building at Huntington Point.

Chair Parkins responded yes, that is what this one does.

Mr. Santori responded that was the intent here and they have seen it. They've designed and installed installations that do exactly that. They are proposing that the fiberglass materials can have an applied finish to match the stucco that this building is made out of it and so will the cornice work. He indicated that they have the original building drawings that they would provide to the vendor that fabricates this material so they can identically match that cornice work.

Comm. Harger asked if they were only doing the street side.

Mr. Santori responded the street side – three sides of each enclosure and three sides of the equipment shelter.

Comm. Harger asked why they were leaving off the fourth side.

Mr. Santori responded that the backside of the screen walls does not have a back. It is only a three-sided structure and the equipment shelter wouldn't be visible anywhere from the road. Directly behind the building, it slopes off to some large tree cover in that area so if anyone had visibility of this rooftop it would more likely be the front edge of that building than the rear edge.

Atty. Baldwin commented that they can enclose that back portion of the screen walls in addition to painting.

Comm. Dickal responded that was her question and where she was heading.

Atty. Baldwin stated that if there is a concern about views from the back, they can certainly do that also. You are still going to see mechanical equipment on the roof but if the concern is looking into the backside of the antennas, you can certainly enclose them completely.

Chair Parkins asked how they would be accessed if they did that.

Mr. Santori responded that they'd put an access panel, removable access panel.

Chair Parkins asked how often they have to get access to them.

Mr. Santori responded that for the antennas, once they are installed, are only accessed if they need to replace or repair an antenna which could be once a year or once every couple of years. It would depend on whether there is a problem with the antenna. It is not a regular maintenance type thing.

Chair Parkins stated that if they are offering that, then they accept.

Comm. Dickal agreed.

Comm. Pogoda agreed.

Mr. Santori commented that they don't have a roof – it is open.

Atty. Baldwin stated that the equipment shelter obviously does have a roof though.

Mr. Santori added that this equipment shelter is a self-contained building.

Comm. Harger commented that her concern was the debris that will start accumulating in size – debris from the leaves and the trees.

Mr. Santori responded that they are up off of the roof about a foot and a half. There is actually a steel dunnager frame that this enclosure sits on so it is open to breathe for air below. It allows for roof drainage and the roof drainage patterns don't change.

Comm. Harger responded OK

Comm. Dickal asked if they ever do maintenance on any of these things.

Mr. Santori asked in terms of what.

Comm. Dickal asked if it wasn't working properly would someone have to go up there...

Mr. Santori responded yes somebody would go up, check it out and take care of it. Once a month a technician will go to the equipment shelter to test the radio equipment inside that shelter and give it a once over to see if anything is loose or has the potential for any problems on the site. They won't go up there and do any repair or maintenance to the antennas unless something is telling them that the signal isn't getting out there and there's a problem, in which case, they would send up another technician that does antenna work. An antenna would be swapped out or repaired.

Chair Parkins asked how often they test the generator.

Mr. Santori responded that the generator runs once a week for twenty minutes and that time is usually set up with the building owner to determine the most convenient time for cycling the generator. This one is fortunately a gas powered generator so it tends to be quieter than a typical generator. It is also housed within a sound attenuated enclosure within an equipment shelter that also has attenuation to it and that keeps the noise level down.

Chair Parkins asked he knew if it was located right above a room.

Mr. Santori responded that his guess would be that yes, it is but they haven't had any problem with noise directly below it.

Chair Parkins commented that there must be some kind of vibration when it goes on. Testing it at night is probably not a good idea.

Mr. Santori responded that it probably wouldn't be but it does have built in isolation – both the generator to the generator frame and the generator frame to the shelter floor so there is plenty of isolation; it doesn't really vibrate. If anything, you'd hear the flapper on the exhaust go – some clinging now and then.

Comm. Harger asked if in his experience, he's seen the footprint of these structures get smaller as the technology develops.

Mr. Santori responded that it all depends on the technology being deployed so in this particular case, what Verizon needs for their antennas, the placement of their antennas, the higher their antennas drive the size of these boxes because if their antennas were pointing straight out they could pull them in and have less of a separation but because this building doesn't face the proper elevation, they need to orient them east and west. They cannot stay tight together; they need to get separation so the antennas don't interfere with each other and that is what drives the size of the box not necessarily the technology but how the technology is deployed.

Chair Parkins asked if this would be for a sole, single owner.

Mr. Santori responded yes, a single carrier installation.

Chair Parkins commented that she knows he can't foresee the future but asked if there would be additions to this facility up on that roof or will this kind of max out that location.

Mr. Santori responded that depending upon the other carrier's equipment, if they are deploying a system that requires only one or two antennas per sector, they may be able to put something up there.

Chair Parkins asked for clarification about him saying "other carriers" because he just said this was a sole carrier.

Mr. Santori clarified that should another wireless carrier come along. an AT&T or a T-Mobile or other carrier, that wants to deploy their equipment on this roof.

Chair Parkins commented that was her question – if this was going to be a sole tenant.

Mr. Santori responded that this is a sole tenant for the purpose of this application with Verizon Wireless.

Chair Parkins asked if he was saying that if Verizon goes out of business and somebody else wants to come in like AT&T, or is she understanding him to say that if AT&T wants to join in - that they can.

Mr. Santori responded that AT&T would have their own application. They would have to come before the Commission as they have had to and explain what they would do to this roof to deploy their system, how they would address concealment – AT&T would have the same process that they've had to do.

Chair Parkins responded OK.

Comm. Miller asked if they had to let them have space if the Commission approves it. He asked if that was correct.

Mr. Santori responded no, that would be for a tower and this is for a roof top facility.

Chair Parkins commented that towers were regulated by the Citing Council but because this is on private property, it has to go through local zoning.

Atty. Baldwin responded that their lease rights are exclusive to Verizon Wireless and their lease rights are with the property owner. If AT&T comes along or T-Mobile comes along then they would have to enter into their own lease agreement for roof-top installation and come back in here to present it to the Commission.

Comm. Tickey commented that in terms of the aesthetics, he recalls what it looked like nine months ago and he thinks it is much improved. He may have called it a space ship nine months ago but he thinks this is well thought out and he thinks that the architecture really does match the building. It matches the character of the building and would conceal the antennas.

Comm. Dickal added that her thing would be to make it as aesthetically pleasing as possible because of the buildings behind it. They do have some vacancies and the hope is for anyone who owns the building can have businesses come in and the businesses are role models of what they would like Shelton to be.

Mr. Santori commented that what they'll do is address concealment of the rear of these enclosures and continue that cornice feature from the three sides of the shelter to four sides on the shelter. He added that he thinks that the painting of the antennas on the back is going to be a cleaner approach; they are flush below the top of the roofline. His experience has been that when you try to box out something like that, it never looks right and it looks like somebody stuck something to the side of the shelter. It doesn't work as well.

Chair Parkins asked if the shelter would be painted the same color as the building.

Mr. Santori responded yes, exactly, it will have the same finish as the building. It is easy to achieve because it is a dry bit or stucco material.

Comm. Dickal asked if that was durable and could handle extreme weather.

Mr. Santori responded yes.

Chair Parkins asked about the other mechanical enclosures that are currently up there such as the elevator building and stairwell and if it would be in contrast to that color. She asked if they were gray right now.

Mr. Santori responded that they are black and the same color as the roof finish. There is an elevator override just east of the equipment shelter that is about 6 feet high, 6 feet above the

finished roof and it is all black. Any other equipment in the back of these screens is black. There are some other roof top units that he would call a standard finish putty gray color but they aren't visible from the ground. This extends above that so it makes sense to go with a finish that matches the building.

With no further comments from the Commission, Chair Parkins asked if there was anyone in the audience wishing to speak regarding this proposal. With no further questions or comments, she asked for a motion to close this public hearing.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to close the public hearing for Application #14-28.

Mr. Schultz commented that if the Commission is satisfied with the additional changes, he would ask Comm. Baldwin if this was something he could have done for the Feb. 10th Regular P&Z Meeting.

Atty. Baldwin asked if he was referring to the modifications and responded yes.

Mr. Schultz responded yes then the Commission could act on it and the Chair could sign off on it on 2/10/15 as long as the Commissioners are satisfied with the changes.

Atty. Baldwin asked for clarification that those modifications included the four sides of the screening structures and the cornice work on the backside of the shelter.

Comm. Dickal added about the color coordination and the painting.

Mr. Schultz responded yes and the color coordination.

Atty. Baldwin responded that had already been addressed on the drawings in their packets.

Chair Parkins thanked the applicants and asked for a motion to adjourn the meeting.

ADJOURNMENT

On a motion made by Nancy Dickal seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 8:00 p.m.

Respectfully Submitted,

Karin Tuke

P&Z Recording Secretary