

SHELTON PLANNING AND ZONING COMMISSION

JUNE 30, 2015

The Shelton Planning and Zoning Commission held a special meeting on Tuesday, June 30, 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
 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 (1), correspondence and attachments are on file in the City/Town Clerk's Office and the Planning & Zoning Office and on the City of Shelton Website www.cityofshelton.org.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Chair Parkins called the P&Z Commission Special Meeting to order at 7:03 p.m. with the Pledge of Allegiance and a roll call of Commissioners and Staff members present. She announced plans to table the item under Old Business for Application #15-03 for anyone in the audience waiting to hear that discussion and indicated that it would be postponed until July 7th.

Chair Parkins reviewed the procedures for a public hearing and the use of the signup sheet for those in the audience wishing to speak after the Applicant's presentation and the Commissioner's questions. She asked the P&Z Secretary to read the Call of the Hearing and any applicable correspondence regarding Application #15-08.

PUBLIC HEARING

APPLICATION #15-08: PETITION OF DOMINICK THOMAS ON BEHALF OF 714, LLC OT MODIFY THE STATEMENT OF USES AND STANDARDS FOR PDD #77 (FORMER CRABTREE DEALERSHIP), 405-407 BRIDGEPORT AVENUE, PORTION OF 409 BRIDGEPORT AVENUE, 12 NELLS ROCK ROAD AND 20, 28, AND 36 BUDDINGTON ROAD (MAP 77, LOTS 26, 27, 28, 29 AND 30 AND MAP 63, LOTS 10 AND 20)

P&Z Secretary, Comm. Virginia Harger read the Call of the Hearing for Application #15-08. There was no applicable correspondence to be read.

Chair Parkins stated that before the Applicant's presentation, she wanted to clarify about the project. She indicated that the Commission reviewed this project back in 2010 and there was a public hearing held. In February 2011 the Commission approved Conceptual Plans – they are not Final Detailed Development Plans – just conceptual as to what the Applicant was proposing and the Statement of Uses was also approved. She stated that the purpose for this hearing tonight is that the Applicant wants to amend the Statement of Uses. She clarified that the Applicant won't be presenting any plans tonight for a new conceptual design or the detailed development. He is specifically going to be presenting the changes that they are looking for in the Statement of Uses. The Applicant will come back before the Commission, not before a Public Hearing but before the Commission again, for approval of the final detailed design. This Commission has tight control over what happens at that location because it is a PDD (Planned Development District) including landscaping and such. She reiterated that tonight's meeting was just for the Statement of Uses and there will be further dialogue between the Commission and the Applicant as they move forward with the project. She turned the discussion over to the Applicant.

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby CT addressed the Commission representing the Applicant. Atty. Thomas provided a list of the property owners

that were notified of the public hearing, four photographs of the property postings with two at Bridgeport Avenue and two on Buddington Road. Also, he submitted a copy of all the Certified Notices that went out and those that were returned unclaimed.

Atty. Thomas clarified that in accordance with Section 52 requiring a Certificate of Notice, he commented that the Certificate of Mailing is a lot better and gets to more people because they only need to certify that it was mailed out. Because often people are not home during the day so they don't have to go to the Post Office. He stated that was his usual speech on that subject.

Atty. Thomas thanked that Chair for explaining the purpose of tonight's hearing. He added that with respect to that, he has spoken to a couple of people who approached him and people have called based upon the Notices that had his name, number and email on them. He told people that anyone who wishes a PDF of the Site Plan, not the entire set, when it is done for the Final Site Development Plans, he will send it to them via email. If they received a notice then they already have his email address. Anyone who did not receive a notice and lives outside of the 200 foot circle, he will exchange email information with them after the hearing to get a copy of the Site Plan when it becomes available.

Atty. Thomas provided additional history and commented that after the approvals were done it took approximately..., besides the issues of the economic downturn, it took them two full years after the approvals by this Commission to complete the purchase of Access Road. It was not the easiest thing in the world; in fact, it had a lot of stumbling blocks including the process being shut down after the unfortunate 12/14/14 Sandy Hook incident. It wasn't until almost May of 2013 that they actually completed the purchase of the property so that was a substantial portion of the delay. It was not only a condition of the Commission's approval; it was also the condition of the State Traffic Commission's approval.

Atty. Thomas indicated that he put up the approved site plan and added that it was also vetted by STC. He asked Jim Swift, P.E. if that was correct.

Mr. Swift responded that there were a few things on the STC that are (inaudible)...

Atty. Thomas clarified that the traffic light is immovable and that is where STC has said it will be. They aren't here to discuss any site plans tonight but he told them that in regard to the Application they have an Anchor Store that has been "the worst kept secret in town." He indicated that the Anchor Store is now going to be the end cap or the very end. The approved Site Plan had a row of smaller stores at the end so the Anchor Store will be slid over to the end cap.

Atty. Thomas indicated that the proposal for the retail gasoline sales has four restrictions. Those restrictions are that:

1. The retail gasoline sales must be owned and operated by the entity owning and operating the full service food supermarket.

He reiterated that what he was saying is that unless this Commission changes its mind, the entity owning the food supermarket will have its sign on that gas station. It will not have any other sign; it will be their gas station, obviously, it will not be their gas though. He stated it would be their gas station and that would be the marketing. It cannot become a Shell, a Sunoco or become anybody else and they will obtain appropriately qualified people to operate it because that is a State requirement.

2. The use is limited to the southwest 1/2 acre corner of PDD #70.

Atty. Thomas referenced the location on the site plan. He pointed out the approximate location of the Anchor Store on the end cap and the location of the proposed gas station in the southwest corner of the site. He indicated that Mr. Swift has confirmed that that 1/2 acre is sufficient to house the gasoline retail service.

Chair Parkins asked him to repeat that again for people on the other side of the room who were blocked from view of the map. Atty. Thomas moved and reiterated the location of the supermarket and gas station in the southwest acre of the site.

He commented that where the Retail "C" was approved on the original Initial Concept Plans is where the retail gasoline sales will be. The area behind it is approx. a 30 – 40 foot rock cliff. It is not even with Buddington Road but well below it.

3. The kiosk servicing the retail gasoline sales will be permitted to sell only oil, motor vehicle additives and provide air compressor service.
4. Motor vehicle repair or servicing in any manner is prohibited on the site.

Atty. Thomas stated that the other thing was, when this was done in 2011, there was some possibility of a second floor in some areas. There were some discussion of a non-profit theatrical use going there that has gone by the Board but they found another home and continue their great productions so there was no point in maintaining "H" and it can be deleted. For other purposes, he assumes that when he does that, his program of outlining this will change "I" to "H" and "J" to "I."

Atty. Thomas concluded that was the presentation and the purpose for tonight. As the Chair mentioned, they aren't discussing the Site Plan. He gave everyone an example that they are going to be coming in with something that has minor modifications. He stressed that as they go through the iterations that they need to go through in discussions with tenants that the interior traffic flow only changes as a result of the location of buildings. The entrances and exits at the present time are exactly as they are. He received a phone call because someone thought there was going to be an entrance or exit on Buddington Road but that is not even in the realm of possibility. At one end they have to widen a portion of Buddington Road where it intersects with Nells Rock Road; that is a requirement. They discovered and he showed on the site plan where the dotted lines were located, and indicated that the existing pavement of the car dealership actually extends beyond what this development's proposed pavement is.

Atty. Thomas reiterated that the only reason he was before the Commission tonight was to change the Statement of Uses and Standards. He is sure that the Commission is aware because they have had other applications before them; the retail sale of gasoline has become a staple of supermarkets. He stated that their Anchor Store which has already brought in other tenants following it and that supermarket has requested this change. He offered to answer any questions and indicated that Jim Swift, P.E. is also present to provide further information.

Comm. Harger asked if there was any discussion yet as to the hours of operation for the gasoline sales.

Atty. Thomas responded that there was no discussion of that yet.

Chair Parkins commented that they will discuss that in the Final Detailed Plans.

Comm. Tickey indicated that he had questions but they would be in regard to the Final Detailed Development Plans. Comm. Dickal agreed that she would have questions at that time as well.

Chair Parkins stated that with no further questions or comments from the Commissioners she would open up the public hearing to those in the audience.

Arthur Blanchard, 38 L'Hermitage Drive, Shelton addressed the Commission. Mr.

Blanchard thanked that Commission for allowing him to speak and stated that he wanted to speak in opposition to the gas station proposal. He commented that they've expressed their opinion before at one of these hearing and they continue to have a concern regarding traffic patterns and access/egress from the lot.

Mr. Blanchard indicated that his concern was about the number of cars and the access and egress onto Nells Rock Road. He's concerned that a gas station will compound any already difficult situation. He stated that it was particularly bad there during the winter time when there is ice on the road, blind corners and relatively steep grades. If a gas station is needed in the area and he's not really sure, he suggested the block south of this location with the abandoned Mobil Oil Gas

Station that is apparently available. He suggested that site be used for a gas station instead of at this development. He thanked the Commission.

Bob Townley, 9 Montagne Drive, Shelton addressed the Commission. Mr. Townley commented that he also lived up the street from this development and commented that he wasn't opposed to development. He's happy to see this eyesore gone but his concern is about the traffic. Nells Rock Road is very congested, somewhat of a race track and his concern is getting out of there in the morning because it is pretty difficult now. He added that if traffic increases by even 10% or 15% then he foresees some issues there.

Mr. Townley indicated that his other concern was that they already have a couple of supermarkets and a Wal-Mart that sells groceries and asked if they really need another supermarket. As far as the gas sales, he is also concerned about the traffic. He wanted to know, at some point and maybe tonight, from the Town what will happen to the eyesore Mobil Station across from an existing gas station, which has been sitting idle for the entire time he's lived in Shelton. He thanked the Commission.

Linda Meola-Townley, 9 Montagne Drive, Shelton addressed the Commission. She agreed with the comments of the previous two speakers.

Renee Robillard, 28 Country Place, Shelton addressed the Commission. On behalf of the Country Place Condominium Association, she reiterated the comments and complaints that weren't really addressed the last time around. She agreed with the other speakers and stated that they are concerned about any potential blasting, of course, and she supposes that can be addressed later on. She agreed with the comment about the snow and the traffic.

Ms. Robillard explained that at Country Place they push snow right to Buddington Road and it is a problem for them. They have no sight line now with traffic coming up from Bridgeport Avenue. It is a particular concern because their entrance is used as a bus stop, for both kindergarten sessions and the various schools. Previously, it was explained to them that with all the traffic studies conducted that a lot of the traffic from Nells Rock Road would be eliminated with the completion of Constitution Boulevard. She added that she thinks that within the last year nothing further has come of that. She commented that they would suggest that there would be an entrance only on Buddington Road that might eliminate some of the traffic coming around the corner and moving the traffic up as well. She thanked the Commission.

Chair Parkins commented that she just mentioned Buddington Road and asked if she meant Nells Rock Road.

Ms. Robillard responded no Buddington Road.

Chair Parkins asked if she was proposing an entrance on Buddington Road.

Ms. Robillard responded yes on Buddington because that would keep the traffic from making that right onto Nells Rock. The traffic is backed up every morning and especially when the high school lets out in the afternoon, it is almost impossible to get out of their property onto Nells Rock Road. If there could be an entrance on Buddington, it would eliminate people coming all the way to Nells Rock and making that right into this development as well.

Chair Parkins stated that she is pretty sure that would be physically impossible.

Ms. Robillard responded that she understands that but she had to say it.

Chair Parkins added that it would be an engineering feat at best. She thanked Ms. Robillard.

Manny Brideau, 3 Mayflower Lane, Shelton addressed the Commission. Mr. Brideau indicated that he was there on behalf of his daughter, Beth Canome(?) who lives at 29 Buddington Road which is approx. in the middle of this project and across the street. Mr. Brideau stated that she bought this house about a year ago and they knew that something was going on across the street but didn't realize that it was this far along or what would be going in there. The main concern about what is going in there is in regard to the visual limitations of

buildings, traffic, and light pollution at night, noise pollution and how it would be controlled by the tenants of this development.

Mr. Brideau stated that he knows the attorney mentioned there would be a cliff to hide the gas station but the six homes on Buddington Road that are most directly affected are up on the cliff so they will be able to look down on anything that is erected such as a wall. They would need some pretty high trees from looking at the drawing shown. It looks like the buildings are going to go pretty close to Buddington Road as it is. It won't give them a lot of room to erect anything to obscure the view of the buildings. He thanked the Commission.

Lynn Farrell, 25 Buddington Road, Shelton addressed the Commission. Ms. Farrell stated that she was not against this shopping center and she feels it would be an asset compared to what is there now. However, she is against there being a gas station for the reasons that people have already stated. The night activity at a gas station would rise up to Buddington Road and in turn into Buddington Park. People living on Buddington Road would be the most affected and she is sure that in some manner there would be some effect toward Buddington Park. Wal-Mart has calmed down now but at one time, the noise from Wal-Mart was pretty bad until she complained so much that it did stop and it is OK now.

Ms. Farrell commented that she worries about the noise from a gas station at all hours of the night. No one has indicated the hours that the gas station would be open but if it is open the same hours as the supermarket, it might cause them some big problems. She also worries about what fumes might go up to Buddington Road because she doesn't think that has been mentioned yet. It could be another problem. Ms. Farrell stated that she hopes this Board will seriously consider everyone in the area as they always have done. She added that she has great respect for this Board and every other Board and she knows that they will take it seriously and see what can be done to make it livable for everyone. She thanked the Commission.

Beverly Bonavia, 17 Country Walk, Shelton addressed the Commission. She indicated that she lives off of Buddington Road. She said that the only question she has is that the way that the car dealership was set up they had two entrances at Nells Rock - and entrance across from the bank and another one there too - they are both blocked off right now. She asked if there would be an entrance off of Nells Rock for this development because she foresees that as being a horrible thing. She commented about people turning left to go up Nells Rock Road, turning right to go to the traffic light. She asked if those two entrances would be closed with only an entrance in the front because the traffic there is horrendous there sometimes moving 2 mph or not moving at all.

Chair Parkins responded that the original Concept Plan that the Commission approved back in 2011 does not allow for a left hand turn into that shopping center from Nells Rock Road and if the Commission has its way, it will not be included in this plan either. She reiterated that there would be no left hand turn.

Ms. Bonavia responded no left turn, great, thank you.

Chair Parkins stated that there would be one coming down on Nells Rock Road because making everyone go to the intersection will back things up further so it is best to have an entrance into that shopping center rather than everyone having to go up and take a right. She added that this is all part of the Conceptual Plan and the Detailed Development Plan will be worked out as they go through things with the developer. She asked if there was anyone else wishing to address the Commission.

Bruce Scull, 37 Independence Drive, Shelton addressed the Commission. Mr. Scull asked the concept of tying the gas station to the store. He commented that was fine but if the store fails, and stores do fail, then they will be left with a gas station that won't be tied to anything. He provided a list of Stop & Shop stores that have closed just in New Hampshire alone leaving three gas stations vacant.

Mr. Scull commented that he would suggest looking into the big secret grocery store because he thinks this is the first gas station. He asked if they wanted to be the guinea pig for them. He thanked the Commission.

Chair Parkins indicated that other people are obviously more privy than the Commission because they haven't been told which grocery store will be there. She added that there are a lot of rumors out there but they will find out soon hopefully. She asked if there was anyone else wishing to speak. With no further comments, she asked Atty. Thomas to respond.

Atty. Thomas responded to Mr. Brideau that he is welcome to look at the Concept Plan. The Landscape Plan does have buffer planting along the entire top of Buddington Road. Additionally, the developer is required to give the Town the property 25 feet from center line of Buddington Road as well as buffer plantings along there. With respect to traffic on Nells Rock, he pointed out on the plan there will now be, as a part of their requirement for this and for OSTA, three lanes exiting onto Bridgeport Avenue including a left turn lane, a straight lane and a right lane as part of the improvements.

Atty. Thomas indicated that with respect to the individual who commented about Stop & Shop's closing and leaving gas stations, they obviously aren't familiar with the Planned Development District. In a PDD, if the supermarket closes, which is relatively doubtful on Bridgeport Avenue given all of the marketing studies, then the gas station would close. It is the PDD requirement and would follow right along with it. He added that it was not the first one; it may be the first in this area but it is not the first. He offered to answer any other questions.

Atty. Thomas commented that, unfortunately, development of any site of this size depends upon the Anchor Store. Contrary to the way it was to some extent prior to 2007-2008, it is much more tenant-driven so when a tenant says that this is part of their marketing plan then they have to come forward. This is the lead that they have been waiting for the development of this site. He thanked the Commission.

Chair Parkins asked if there were any further questions from the Commission or audience members. With no comments, she asked for a motion to close the public hearing.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to close the public hearing for Application #15-08.

Chair Parkins invited residents to come back out, listen for future meetings, to discuss this application. There will be no public forum for Final Detailed Development approval, it is not required, so there won't be audience participation but they are welcome to hear the proceedings as they move forward and find out about the project and learn about their process. She asked Atty. Thomas when he anticipated coming back to the Commission.

Atty. Thomas responded a couple of months but it could be sooner. He reiterated that it is tenant-driven and they have some timelines in the leases so he will be safe and say that they'll be back in a couple of months.

Chair Parkins informed residents that it would be a couple of months before they return with the Final Detailed Plans for site development. Atty. Thomas reiterated that if anyone would like a copy of the site plans when they are available, they can request them via his email.

OLD BUSINESS

APPLICATION #15-03: 223 CANAL GROUP, LLC FOR MODIFICATION OF PDD #60 INCLUDING INITIAL CONCEPT PLAN AND STATEMENT OF USES AND STANDARDS (SITE C: 68 MULTI-FAMILY RESIDENTIAL UNITS), 223 CANAL STREET (MAP 129, LOT 18) (PUBLIC HEARING CLOSED ON 5/13/15)

She indicated that she would need a motion to table this in lieu of Mr. Panico's absence tonight.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to table Application #15-03.

ADJOURNMENT

Chair Parkins asked for a motion to adjourn.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to adjourn at 7:35 p.m.

Respectfully Submitted,

Karin C. Tuke
P&Z Recording Secretary