

SHELTON PLANNING & ZONING COMMISSION

MARCH 8, 2016

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, March 8, 2016, Shelton City Hall, Auditorium at 7:00 p.m., 54 Hill Street, Shelton, CT 06403.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Virginia Harger
 Commissioner Thomas McGorty
 Commissioner Ned Miller (alternate for Comm. Matto)
 Commissioner Frank Osak (alternate for Comm. Pogoda)
 Commissioner Jim Tickey

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

Tapes (2), correspondence and attachments are on file in the City/Town Clerk's Office and the Planning & Zoning Office and on the City of Shelton Website www.cityofshelton.org.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Chair Parkins called the March 8th Regular Meeting of the Shelton P&Z Commission to order at 7:03 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that Comm. Osak would be acting as alternate for Comm. Matto and Comm. Miller would be the alternate for Comm. Pogoda for this meeting. Additionally, P&Z Consultant, Tony Panico would be attending the meeting via teleconference phone.

PUBLIC HEARING

APPLICATION #16-4: KEY DEVELOPMENT, LLC FOR 2 LOT RE-SUBDIVISION (LOT 5: PEARMAIN ESTATES), PERMAIN ROAD (MAP 143, LOT 4), R-1 AND R-1A DISTRICTS.

Chair Parkins indicated that the first item on the agenda would be the public hearing for Application #16-4. She reviewed the Commission's procedures for the public hearing process and provided instructions for individuals wishing to address the Commission regarding the proposed application. She asked the P&Z Secretary to read the Call of the Hearing.

P&Z Secretary, Comm. Harger read the Call of the Hearing for Application #16-4 and applicable correspondence for the City of Shelton Fire Department.

***See attached correspondence dated March 2, 2016 addressed to Richard Schultz, P&Z Administrator from Shelton Fire Department Chief Jones.**

Jim Swift, P.E. and Landscape Architect addressed the Commission the Applicant, Key Development, LLC. This is a public hearing by virtue of this application being a re-subdivision; this property was previously subdivided and by Statute needs this process.

Mr. Swift submitted the Certificates of Mailing for the record. He added that the property was posted appropriately in accordance with the requirements. He provided a site plan and indicated that the parcel was located on Pearmain Road somewhat south of most of the houses that exist on the land. The land is vacant in the form of a "U" on Pearmain Road, on the corner of the Pearmain Road section. He showed the sections of Pearmain Road. He stated that they have a 30 foot access way frontage in that location and they have 200 feet plus access in that location. He showed the location of some wetlands on the property in the back and some in the front.

Mr. Swift indicated that they have submitted this plan and design to Inland Wetlands Commission. It was heard at their meeting last month and they are on the agenda for March 12th.

Wetlands indicated at their last meeting that with one minor modification, they intend to approve it this Thursday. He added that was for this Commission's informational purposes so that P&Z can meet the Statutes on the order of approvals.

Mr. Swift commented that there was one other letter that was sent it but wasn't read into the record. He stated that this is located in a public watershed so they are required to submit this to Aquarion Water Company for their review and they did pick up on one issue that did meet the requirements for septic systems in that area. He stated it was the septic system on Lot 5A. He showed the location of Lot 5A on the plan – and stated that it was 25 feet away from an intermittent watercourse. It is allowed when you are not in a watershed but when you are in a watershed area; you need a 50 foot setback for the septic system. The plans have been corrected and he submitted copies to the Commission.

Mr. Swift reviewed that Lot 5A is a frontage lot. It has a square and meets all requirements of a legal lot. It is a little bit more than an acre in area. Lot #5B is a rear lot with access toward the bottom of the sheet with a 30 foot access way; because the lot is large, about 3 acres, they would have had to have provided a 50 foot access way for a lot of that size per Regulations but they covered the wetlands toward the back of the site with a Conservation Easement bringing that lot down to a size where a 30 foot access way is acceptable.

Mr. Swift indicated that they meet all of the Zoning Requirements for lot coverage, setbacks, etc. no variances, no variances to the Subdivision Regulations so it is fairly straightforward. He offered to answer any questions from the Commission.

Comm. Harger asked him to elaborate about the circular area shown right in front of the house on Lot #5A with the proposed well.

Mr. Swift clarified that a well needs a certain setback – it needs a 75 foot setback for the septic system or something of that nature and a well also requires a 25 foot setback from any kind of pollution source such as a drain, a pipe, a footing drain or anything like that. He stated that those circles are just a visual to show that the well is meeting requirements.

Comm. Harger asked how close City water and ...

Mr. Swift responded that he really was not sure.

Mr. Schultz commented that it was in excess of 200 feet.

Mr. Swift added that certainly, if it was close, they would bring it there because it makes the lots a lot more valuable.

Comm. Harger asked about the history of the wells in that area and if they've always worked fine.

Mr. Swift responded that he had no information about any problems with the wells there. In this case, they are almost always talking about blasting in all developments in Shelton now, but happily there are no outcroppings of any significance in the area so they expect no blasting on this property.

Chair Parkins asked if the Conservation Easement would be held in deed. She asked if it would be deed-restricted and not accepted by the City as a Conservation Easement.

Mr. Swift responded right and added that they would be delighted to deed it to the City.

Chair Parkins commented that it doesn't really make any sense. It is land locked.

Mr. Swift responded that he doesn't think that the Conservation Commission is interested in it but if they are, it is (inaudible) ...It is land locked and ...

Chair Parkins added that it doesn't meet up with anything.

Mr. Swift responded ...not just yet; there are fairly large parcels that surround this land but he has no idea...

Chair Parkins stated that she knows that the Conservation Commission, a lot of times there will be easements or restrictions on the land because landowners just go in and cut down the trees. She would ensure that it is surveyed and recorded. She asked Mr. Swift to discuss the Fire Chief's comments.

Mr. Swift responded that they have no objection. Pearmain Road is a little bit narrow so he's sure that is what he's thinking and he wants to make sure that they don't do anything out at the street that would prevent a truck from coming in. He reiterated that he had no objection.

Mr. Schultz asked Jim Swift to provide an update on the Valley Health Report.

Mr. Swift responded that he spoke to them yesterday morning and they were hoping to have that report in time for this meeting but he didn't get it back yet. As he stated, it conforms in all respects to the Health Code and they would be willing to have the hearing closed with that report forthcoming to Rick Schultz. They would agree to any Valley Health requirements.

Mr. Schultz stated that there would be two things – Valley Health and the Inland Wetlands action which would hopefully be done this Thursday.

Chair Parkins asked if they hadn't voted on it yet.

Mr. Swift responded that was correct. Their next meeting is this Thursday and they assured him that they would vote favorably with the minor change. He showed the location of the wetlands crossing in that area. They were asked to build a low stone wall there; it would reduce the wetland impact a little so they agreed to that.

Comm. Harger asked for clarification about him saying the lot was vacant and if he was talking about these two houses.

Mr. Swift responded that the lot is vacant. There is a common ownership or a family ownership between this existing lot (he showed the location) and the surrounding parcel. There was a family connection but if you were to drive by and look at what would be Lot #5A you would see a driveway, a lot of disturbance, old outbuildings, etc. so it gives the appearance of being used by that house but it is separate by deed.

Comm. Harger commented that there were pockets - #43 and #47.

Mr. Swift responded yes, but for the Commission's information, Key Development is in contract to purchase the house as well.

Chair Parkins asked about the requirement for open space or payment in lieu of.

Mr. Schultz responded that the Conservation Commission will be providing the conservation because this is a re-subdivision. The Commission waived the Open Space when this original subdivision went through 25 years ago.

Chair Parkins asked who waived the Open Space.

Mr. Schultz indicated that the Commission did 25 years ago for the original subdivision.

Chair Parkins asked if he meant that they paid nothing for it originally.

Mr. Schultz responded right, they didn't have the Payment in Lieu of Program at that time.

Chair Parkins responded that they have it now.

Mr. Schultz stated that it is the Commission's call. They should be receiving a Letter of Recommendation from the Conservation Commission who met this past Wednesday.

Chair Parkins stated that she didn't really consider it Conservation Easement that they are putting on this property to be any benefit to the City in terms of (inaudible)...

Mr. Schultz reiterated that it would be the Commission's call if she wanted to get a consensus.

Chair Parkins asked the Commission about Payment in Lieu of.

Comm. Harger responded absolutely, yes, (inaudible)...

Chair Parkins commented that they got away this long. She asked if the Commissioners had any other questions before opening the hearing up to the public.

With no Commission comments, Chair Parkins called the first name on the Public sign in sheet.

Alice Vieira, 47 Pearmain Road, Shelton addressed the Commission. Ms. Vieira stated that her concern was about the road because it is very narrow in certain areas. She asked if there was a way that those areas could be widened because it is difficult when there are two cars. She always has to back up and if there is a trailer coming down the road or sometimes big trucks, it is difficult.

Chair Parkins asked if she lived on Pearmain.

Ms. Vieira responded yes, for 23 years at 47 Pearmain Road. She stated that people do have to turn in their driveway or anywhere that they have access to turn. It is difficult. She thinks it is for an emergency vehicle so it's an issue. She added that she thinks it is going to be a problem and there are more and more houses being built up that way. She thanked the Commission.

Mr. Schultz indicated that he would pass that on to the City Engineer's office.

Priscilla Rua, 43 Pearmain Road, Shelton addressed the Commission. Ms. Rua asked the Commission to keep this hearing open because they are obtaining an attorney. She indicated that they don't want to sell the property. They were forced to sell and her mother decided not to sell so they are retaining an attorney. She reiterated that she was asking to keep this open and not to make a judgment.

Chair Parkins asked if she owned the property.

Ms. Rua responded that her mom does but she was just told to ask about keeping this open and to not make a decision tonight.

Chair Parkins commented OK but she wasn't sure that they could do that based upon that...she added that they do have a timeframe that they need to work with for public hearings. They can't just keep it open indefinitely.

Ms. Rua stated that she was told that if she asked it would be upheld. She stated that she never heard of a committee making a decision if there was a plea for them to stop and wait.

Chair Parkins indicated that they aren't going to act on it tonight.

Comm. McGorty commented that they don't know the history of who has ownership.

Chair Parkins stated that they can't build on property that they don't own.

Comm. McGorty agreed that if they don't then it is a moot point.

Chair Parkins agreed that if they don't own the property it is a moot point.

Ms. Rua indicated that her mother was forced to sign papers to sell because she was being sued by the buyer after she chose not to sell the property.

Chair Parkins asked if she sold it then.

Ms. Rue responded that it is not sold yet. There has been no closing or contract but they are retaining a lawyer and trying to stop it and save their home.

Mr. Schultz indicated that there is a process for them.

Chair Parkins commented that there is a process for us as well. If they hire an attorney and it takes three months to go through this it becomes an automatic approval if the Commission doesn't act on it.

Ms. Rua asked what she needed to do. She is going to see the attorney tomorrow and (inaudible)...

Mr. Schultz responded that she has to pursue the legal route she normally would with her attorney. There is an avenue that the attorney can guide her with.

Ms. Rua responded OK and asked if there would be a judgment tonight.

Mr. Schultz stated no, the Commission is not ready to act on it because Wetlands Commission didn't act on it yet and by State Law, the Wetlands Commission has to act on it.

Chair Parkins added that they were still waiting for more information on it.

Ms. Rua indicated that a few years ago when her sister tried to build on this property she was told by Wetlands that she couldn't because of the wetlands in the area. She had to file with them and everything and it was denied.

Mr. Schultz responded that was a different time, circumstances change and Commission members change but it is before the Inland Wetlands Commission on Thursday night so it would behoove them to go to that meeting.

Ms. Rua asked what time it would be.

Mr. Schultz responded it would be 7 p.m. on Thursday. He told the Chair that she could close the hearing though.

Ms. Rua thanked the Commission.

Chair Parkins commented that with that process, it's an automatic approval. She asked if there was anyone else in the audience wishing to speak regarding this proposal on Pearmain Road. With no response and no further Commission comments, she asked for a motion to close the public hearing.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to close the public hearing for Application #16-4.

AGENDA ADD-ONS

Chair Parkins indicated that there were two additional add on items under Old Business and Other Business.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to add Separate #0626 to the Agenda under Old Business/Applications for Certificate of Zoning Compliance for business occupancy on 40 Oliver Terrace.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to add Zoning Enforcement Action at 149 East Village Road under Other Business.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #0532: LEWIS MERRITT, 223 CANAL STREET, OPEN HOUSE EXPO

Mr. Schultz stated that the Commission tabled this pending review by the Shelton Police Department and the Applicant is here tonight to advise the Commission that that was process and to advise the Commission as to who will be present at the site.

Phil Grande, Event Coordinator for Merritt Gunsmithing, 223 Canal Street, Shelton addressed the Commission. He indicated that he was present for Lewis Merritt. Mr. Grande indicated that they coordinated with the Shelton Police Department and during the event they will have 5 to 6 Connecticut State Police undercover officers for internal security along with their own security which is six people also. They hired a retired Shelton Police Department officer to handle parking and traffic control if needed.

Comm. Harger asked if he said someone would be outside.

Mr. Grande responded yes, one outside on Canal Street.

Comm. Harger asked if he could tell them again what the dates of the event would be.

Mr. Grande responded June 11 & 12.

Chair Parkins asked if the dates changed because she thought it was going to be in August.

Mr. Grande responded (inaudible)...

Chair Parkins commented that June 11th was going to be the one in Milford or Orange.

Mr. Grande responded that they had planned on four weekends but it was cut back to two so the August one will probably not take place. They had asked for four.

Chair Parkins asked if he was asking for four shows at that location.

Mr. Grande responded no, they were asking for two – June 11 & 12 and November 19 & 20.

Comm. Harger asked if November one was on the original application.

Mr. Grande responded yes. Its lead time wasn't enough to get enough people involved.

Chair Parkins stated that she spoke to the Shelton PD, Officer Giordano and technically they have no approval authority for these types of shows. They checked with the State Police, spoke with the Applicant and she knows that the Applicant has been working with them. They have made some recommendations to them. She discussed it with Officer Giordano and he recommended that all vendors there be required to acquire a one to two day only City Permit from the Shelton PD. If they are there selling a gun as a vendor, they can't go under your permit, they have to have their own permit – a one or two day permit from the City.

Chair Parkins indicated that two Shelton officers at a minimum should be hired with one inside checking their local permits and one outside for parking. If it is determined that additional parking is required – and that officer will determine if an additional traffic officer is needed. Mr. Merritt indicated that he had some parking in the back of the building and parking across the street.

Mr. Grande responded yes.

Chair Parkins stated that the parking across the street does not belong to 223 Canal so they will have to get a letter from the owner of that property approving parking there because the Police cannot direct people to park on someone's property that is not the one holding the show.

Chair Parkins added that the Police will also make sure that there is no on the street parking because they don't allow residents to park there so they certainly can't allow an event to do it. She stated that those would be the conditions she recommends.

Chair Parkins commented that the Police did a good job with the background check and working with the Applicant. It is not ideal but...

Comm. Harger asked the hours of the event.

Mr. Grande responded 10 a.m. to 5 p.m.

Chair Parkins asked Comm. Tickey if there was anything going on Downtown those days.

Comm. Tickey responded no, those would be the first weekends but he would check.

Mr. Grande corrected the time to be 9 a.m. to 5 p.m.

Comm. Tickey commented that there was nothing on the calendar that he has.

Comm. Harger asked if this was downtown near the Avalon and the Birmingham.

Mr. Schultz responded yes, it is the old Brennan building.

Comm. Harger asked if the Applicant had to give prior written notice to the other tenants and residents at Avalon and Birmingham so they would be aware that something is going on.

Mr. Schultz responded that Staff could coordinate that.

Chair Parkins asked if the gun shop was the only tenant in there.

Mr. Grande responded no, there are two other tenants – the Church and (inaudible)...

Comm. Tickey asked how many vendors they would have there.

Mr. Grande responded that at this point, 7 or 8 but they hope, if they pass this, that it is somewhere around 40 to 50 – tables.

Comm. Tickey asked about the overnight because these are back-to-back days.

Mr. Grande indicated that there is overnight security coverage from the Shelton Police. They have discussed it with them and they also have their own in-house security.

Comm. Tickey asked if the vendors leave things overnight.

Mr. Grande responded that they are locked up and secured. They have a very large safe on site there. It is there right now. This is a gunsmith operation. Anything that is loose or transportable they request that they...they have a chain system but they will have someone in the building at all times – actually two people at all times.

Comm. Harger commented that she doesn't get the warm and fuzzy about this.

Chair Parkins stated that she was unaware – she had the understanding from the Police Department that those guns wouldn't be there overnight.

Mr. Grande stated that they could have them taken out if that is a prerequisite.

Chair Parkins asked if it could just be a one-day event instead of a weekend then they wouldn't have to worry about them being taken away.

Mr. Grande responded that the request was for a two-day event. The logic is that in order to get the 40 or 50 vendors, they need to have a two day event because they won't come into the state

for a one day event. They have had one day events in Orange two years in a row and the biggest complaint was that it was just a one day event.

Chair Parkins asked where it takes place in Orange.

Mr. Grande responded in the American Legion Hall, 630 Grassy Hill Road.

Chair Parkins commented that was a convenient location.

Mr. Grande responded that it was not available this year for a two-day event.

Comm. Harger stated that her concern was the road can't handle that amount of traffic.

Comm. McGorty commented that they are going to have security and they are going to have security on hand all night. He asked the Chairperson what her concern was.

Chair Parkins responded that they can require – via their conditions – that there is to be Shelton Police there during the day checking the vendor's permits and directing traffic but as far as the State Police ...She asked the Applicant if they were paying for the State Police to be there.

Mr. Grande responded no, the State Police are supplied automatically.

Chair Parkins stated that she didn't believe that...it seems to her that the State resources (inaudible)...

Mr. Grande responded that for any gun show in the State of Connecticut, the State Police supply five to six undercover police. The only reason they know who they are is because they show their badge to get in.

Chair Parkins indicated that she had a different recollection of her conversation with Officer Giordano about that.

Mr. Grande responded that they had (inaudible)...

Chair Parkins asked if they could get some affidavit from the Police that they are going to be there. She would not believe that the State commits those resources to...

Mr. Grande responded that in the State of Connecticut, they do and he can do that. It is a standard protocol for shows.

Chair Parkins asked what type of security he would have there at night.

Mr. Grande responded that at night they usually have two people within the building. He added that for set up time at the American Legion they had someone stay overnight, because they didn't want to rush around at 5:00 a.m. They have two people and a commitment for two more people this time.

Chair Parkins commented about the overnight situation (inaudible)...

Comm. McGorty commented that at a gun shop they don't have overnight security (inaudible)...

Chair Parkins asked if all of the guns that these vendors are selling would be locked in that safe.

Mr. Grande responded that it was not all guns. It is antique guns that they take back with them – they don't leave those. They have very few modern day firearms. It is a gun collector's show with military clothing, military memorabilia...

Comm. McGorty commented (inaudible)...there is going to be surveillance all night because they'll have people on site. He asked if the concern is that someone is going to break in and take the guns.

Chair Parkins responded that is a (inaudible)...that is exactly what her concern is.

Comm. McGorty asked if they didn't have a gun shop downtown.

Mr. Grande responded yes and they will be there.

Comm. McGorty stated that he didn't know what the difference was because there is a gun shop above it.

Comm. Tickey commented that he thinks that it is different than a business that is there year round that is set up as a self-contained business. This is a pop-up event.

Comm. McGorty responded that the business is self-contained. The event is an accessory to that use but there will also security over and above what would be done at a gun shop downtown where there is no human resource surveillance overnight. He added that he didn't think it was that risky because they are going to have people there.

Chair Parkins stated that it is advertised (inaudible) and that is the thing. She commented that was her concern. She would like to condition it that if June 11th does not go well, that November 19th and November 20th isn't going to happen.

Comm. McGorty asked if her concern was a robbery occurring overnight and someone taking the (inaudible)...

Chair Parkins responded yes.

Comm. McGorty commented that is the risk that they take.

Mr. Grande responded that they are insured.

Chair Parkins asked if there was ammunition on site.

Mr. Grande responded that there is no ammunition in the gun show; the ammunition is separated per order of the State Police and the local police. It is on premises but it is not kept (inaudible)...It is segregated.

Chair Parkins commented that they need a motion to approve with the condition that:

1. Vendors be required to acquire Shelton PD 1-2 day permits.
2. A minimum two Shelton police officers will be hired with one inside checking permits and the other outside doing traffic control.
3. Submission of a letter from the parking lot land owner authorizing the lot to be used for event parking.
4. Two security guards overnight (on site 24 hours during the event).

Chair Parkins asked if they were security guards or their people.

Mr. Grande responded that they are security guards and their people. One of them is a retired policeman. He added that as far as checking permits inside, the State Police can do that also but if they want Shelton police then...

Chair Parkins indicated that she wants Shelton police.

Mr. Grande responded OK, it is a large expense.

Chair Parkins indicated that it is for a two-day event so they may be making a lot of money.

Mr. Grande responded that they charge \$6.

Chair Parkins indicated that she can't believe that the State Police give the resources for this.

Mr. Grande responded that what they cut back on this year is the classes. They normally gave classes. He added that they also provide education and have classes while this show is going on. The State Police, in the past, have given classes but they cut back and said that they don't have the manpower for that but they will supply undercover.

Comm. Tickey asked if they have some one day events.

Mr. Grande responded sometimes.

Comm. Tickey asked why the decision was made to make this a two-day event.

Mr. Grande responded that they can't get the vendors to come in for the one day. Some of them travel from Maine, Vermont, New York and they want a two day event; they won't come for a one-day event.

Chair Parkins asked for a motion with those conditions. She clarified that there should be two Shelton police officers hired at a minimum.

On a motion made by Thomas McGorty seconded by Ned Miller, it was voted 4-2 to approve Separate #0532 for the open house expo event with the noted conditions. Comm. Harger and Comm. Tickey voted in opposition.

Comm. Harger voted nay because she did not think the road system could handle that traffic.

Chair Parkins stated that if the officer directing traffic feels that another officer is needed, than he will have authority to call someone else in and they will have to pay for three officers.

Comm. Harger commented that with the amount of residents that they have down there at the Avalon and the Birmingham, this could become very congested.

Chair Parkins stated that it passes 4 to 2 and indicated that Rick Schultz will make sure that all of the conditions are stated on the permit.

SEPARATE #0594: SIGNWORKS STUDIOS, 474 HOWE AVENUE, SIGN

Mr. Schultz stated that this sign is for H&R Block that the Commission approved for occupancy. They renovated the storefront. It is a solid sign and it is very clean. He provided a rendering of the store front.

Comm. Harger commented that she was surprised that with the amount of space that they have over the area that they are limiting it so much.

Chair Parkins asked if they were there year round.

Mr. Schultz responded that it is seasonal though.

Comm. Tickey commented that they have them year round.

Comm. Harger indicated that this is much improved. They took down that awning.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve signage for Separate #0594.

SEPARATE #0597: LISA HYNES, 100 TRAP FALLS ROAD, BUSINESS

Mr. Schultz indicated that this is located at the Bassett Building on Traps Falls Road and this is the last occupant. This is 11,323 square feet and the building overall was 81,600 so it is nice that it is all occupied. There are 12 employees, hours of operation 9 a.m. to 5 p.m. for a furniture and residential furnishing office and storage. They provide – the Bassett Building had the warehouse component – so they have an office here and store the equipment that is used to furnish office space.

Chair Parkins asked if he meant temporary furniture – rental furniture.

Mr. Schultz responded yes. It is “Staged to Show.”

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve Separate #0597 for business occupancy.

SEPARATE #0606: P&J BLDG, 10 PROGRESS DRIVE, BUSINESS

Mr. Schultz stated that this is the old Johnson Electric that Francini owns – the Chamber of Commerce. This is occupying 7,063 square feet, Peffron (sp?) Progress Drive LLC, an affiliate of Griffin Hospital for occupational medicine and therapy. He indicated that they will have 13 employees, hours of operation 7 a.m. to 7 p.m. Monday through Friday.

Comm. Osak indicated that he would disqualify himself from voting.

Chair Parkins asked if they were taking the second floor.

Mr. Schultz responded yes.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was voted 5-1-0 to approve Separate #0606. Comm. Osak abstained from voting.

SEPARATE #0598: DAVID SPOSE/BEAR, 4 ARMSTRONG RD, 3RD FLOOR, BUSINESS

Mr. Schultz indicated that this space was previously vacated at Armstrong Park with 3,172 square feet. The building overall is 61,000 square feet. There are 20 employees for a law firm called Coyne, von Kuhn, Brady & Fries with hours of operation 8 a.m. to 6 p.m., Monday through Friday.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve Separate #0598.

SEPARATE #0610: BISHOP DEVELOPMENT, 865 RIVER ROAD, BUSINESS

Mr. Schultz indicated that this is the new building being constructed by Howard Soffan. The Commission was advised that the building is going to be occupied by a restaurant and a medical group that would eventually move to the 4-story building in the back. This is the medical portion of it and they are occupying 3000 square feet with 20 employees.

Chair Parkins asked if that was a tear down.

Mr. Schultz responded yes, they were going to renovate it but they couldn't salvage it.

Comm. McGorty asked if that was the blue building.

Mr. Schultz responded yes, it is knocked down. It was the old Pro-Lube place.

Chair Parkins asked why they were coming in for a business if the building is not even up yet.

Mr. Schultz stated that they want to get it approved for financing. This is the first one for OS&G Orthopedic Specialty Group. Shelton is being blessed with orthopedics.

Comm. Harger asked if (inaudible)...

Mr. Schultz responded except for the restaurant part. There will be a restaurant in the back.

On a motion made by Jim Tickey seconded by Virginia Harger, it was unanimously voted to approve Separate #0610.

SEPARATE #0619: VALES DEVELOPERS, LLC, 163 LONG HILL CROSS ROAD, STOCKPILING OF EARTH MATERIAL

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby CT representing the Applicant addressed the Commission. He indicated that he was just contacted on this (inaudible) this is a piece of property that he was involved in years ago in an application that never reached fruition. It is his understanding that this is a property that his client purchased. It had been used as contractor's storage yard for a great number of years. The prior owners were a septic and some kind of construction business used to use it to store their equipment. At the present time they are stockpiling material for a couple of reasons. One reason is that it is material coming off of the Crabtree site and additionally, in about 2 or 3 months they will be coming back before the Commission with an application for a PDD for a specific use on this site.

Atty. Thomas indicated that he read some of the neighbor's objections to it but their position is that this is a pre-existing, non-conforming. LIP does not allow contractor storage yard but this was a storage yard for a good number of years – 20 years for his client and substantially more before that.

Chair Parkins asked what the proposed development was for.

Mr. Schultz responded multi-family.

Atty. Thomas indicated that the proposed development that they did years ago was a multi-family about 15 or 16 years ago. It was before apartments were as popular as they are now. They did not – he believes that they actually withdrew it.

Chair Parkins asked if the Applicant was aware that they have a Regulation regarding earth material.

Atty. Thomas stated that the Applicant was not here but in his conversations with the Applicant, as far as stockpiling, he thinks his position was that it was contractor storage yard and they do store their vehicles there so they were allowed to stockpile. Once he was notified that an application was needed, his understanding is that he immediately filed it.

Mr. Schultz stated that right now there is a Stop Work Order on the activities that has precipitated the Applicant to submit an Application tonight for 200 cubic yards of clean fill and that is the amount that the Regulations allow the Commission to act on. As the Commission is aware, at the Crabtree site, there is a lot of earth material that is clean that is being removed and deposited in different areas. He reiterated that first and foremost there is a Stop Work Order. This parcel of land...

Chair Parkins asked exactly what the Stop Work Order was for right now.

Mr. Schultz responded that it was for the activities.

Chair Parkins asked if it was for bringing in the fill.

Mr. Schultz responded yes, bringing in the fill, contractor's equipment which is creating noise-related complaints and airborne issues. This is a piece of property that is bordered by two single-family homes. There are six single family homes left on Long Hill Cross Road in the LIP zone, so obviously they have to be aware when they have existing single family homes.

Atty. Thomas provided a rendering from the GIS (?).

Mr. Schultz stated that it is just a little bit further up from where Forest Parkway comes out.

Chair Parkins asked if they've been over there lately if it was over by where the stockade fence was just put up.

Atty. Thomas responded yes. It is right before Forest Parkway as you are going down.

Mr. Schultz indicated that this is a large piece of property with a lot of wetlands on it. A wetlands permit was issued years ago for activity.

Atty. Thomas commented that in the complaint that was filed, he noticed that there was some activity for the wetlands back in '97. He thinks their Application was after '97 – in the early 2000's and it had a Wetlands permit at that time.

Mr. Schultz commented that Staff wants to advise the Commission and this has precipitated the Application and as Atty. Thomas stated, an Application is forthcoming and that's what the Commission wants to see because when there is activity going on with no valid Site Development Plan, they want to know what is going on.

He reiterated that they are going to see a proposal in the immediate future. At the same time they are asking to stockpile 200 cubic yards of clean fill but they also have activity going on there that they have to continue to monitor. There's a Stop Work Order. There are a lot of little things going on at once but it is finally coming to the Commission. The Applicant's attorney is here indicating that the Application is going to be submitted. He asked the Commissioners to look at the property when they are out looking at the Hawk's Ridge Development.

Chair Parkins commented that she didn't have any issue with the stockpiling but it would be nice to know what their plan is with the fill rather than just using it as a storage yard. She asked if they were planning on leveling that property for the development. She just doesn't want to see it become a storage yard.

Atty. Thomas responded that the conversations that he had with the Applicant, this fill is going to be used as part of the development when they come in with the PDD. This is in LIP and he can tell them that the proposal is not LIP but that is the intention. He added that he has no idea how much fill is on there right now but the point he made is that this has a pre-existing history as a contractor's storage yard. He stated that he understands that storing and stockpiling stuff requires the application.

Mr. Schultz indicated that Staff was not asking them to lift the Stop Work Order or even suggesting it so it is still in place; this is a work in progress.

Chair Parkins stated that right now it is being stockpiled with the understanding that it has been a non-conforming use but that is not going to sit well with their current regulations regarding stockpiling. You need a permit to do it. If you bring the fill in there is no guarantee that the proposal will be approved so there would have to be some sort of condition on the stockpiling that whatever is being proposed there to use the fill for would have to go away if the project is not approved.

Atty. Thomas commented that the fill could still be used on the site but with the appropriate permits. Anybody can bring fill in the level their site.

Chair Parkins indicated that they don't want to see a pile of dirt sit there for six years.

Comm. McGorty asked if there was a certain amount of fill that was allowable based on...maybe he missed something but it sounds like just a bunch of garbage is there right now.

Mr. Schultz responded that there was.

Comm. McGorty added that it was not like it was just fill.

Mr. Schultz indicated that there are other activities and there was brush, debris, the whole nine yards and they are trying to clean it up but in the meantime...

Comm. McGorty stated that he was just reading this and went through it quickly but it sounds like it is somewhat of a small dump.

Atty. Thomas indicated that he just received it today and scanned it while he was (inaudible)...

Comm. McGorty read that there were stockpiles of metal, wood, stone...it sounds like (inaudible)...

Mr. Schultz agreed that the other stuff was unacceptable and had to be cleaned up.

Atty. Thomas commented that he understood that it was in the process of being cleaned up.

Mr. Schultz stated that there was so much activity and the Commission needed to know what was going on. Stockpiling precipitated a permit and he's saying that his client is going to submit an application.

Atty. Thomas responded that with respect to some of the other items, some of them were resolved.

Mr. Schultz indicated that it was a work in progress. There is still work to be done.

Comm. McGorty asked Rick to get some feedback for the Commission as to where it stands.

Mr. Schultz responded yes.

Chair Parkins commented that they can't go by the history of what has happened over there for the last 10 years. They need to know what is going on now...

Comm. Harger stated that Fred Wills has this letter that is dated November 4th in this packet and then Tom (inaudible) is dated September 21st – these are from months ago.

Chair Parkins commented that a lot of this information is ...

Mr. Schultz responded yes a lot of this is older and some things have been cleaned up.

Comm. McGorty commented that they need an inventory of what is currently there.

Mr. Schultz responded yes, OK they want a status report. He asked them to look at the site when they are up there.

Comm. McGorty asked the size of this site.

Atty. Thomas indicated that it was several acres but he wasn't certain.

Comm. McGorty asked where they would like to put this material and where is the current material sitting on this site. He sees the gate and it looks like a pretty big site.

Atty. Thomas indicated that it is from the boundaries of the two residential lots in front, one of which belonged to the people who his client purchased it from and they also have ongoing septic business on the site. He was told 60 to 70 feet from those boundaries but he hasn't only been involved in this for 24 hours.

Chair Parkins indicated that they don't have enough information to act on this so they will table it.

Comm. McGorty asked for a status as to where it stands right now.

Chair Parkins added that it would give him more time to consult with his consultant.

Atty. Thomas asked if it could be put on the agenda for the 23rd.

Chair Parkins indicated that it would be after the two public hearings that night. She commented that if the fill is going to be used at that site, she would prefer to see the fill coming off of the Crabtree property being used locally rather than having trucks going all over town.

Comm. McGorty asked if that was the intent.

Chair Parkins stated that is what she wanted to know. If it is stored there...

Atty. Thomas commented that from his understanding, that when they come back before the Commission, some if not of all this is going to be used to work on this site and the proposal.

Comm. Harger asked when the proposal is forthcoming (inaudible)...

Atty. Thomas responded that he doesn't do the plans but his understanding is that it would be around May.

Comm. Harger asked if he was familiar with the topography of the land right now.

Atty. Thomas commented that his memory is good but not good enough to remember back to early 2000 when they submitted these plans.

Mr. Schultz indicated that Staff knows what they need to do if the Commission tables it.

Chair Parkins reiterated that they need more information as to whether the intent is to use this material on site and if so they would like to see it not just stored there for years.

Comm. McGorty asked how much material it would be because they have had issues with people bringing fill in that was excessive.

Chair Parkins added that was what they had the Regulations.

Comm. McGorty asked what the intent would be or is it just a processing facility where they clean, separate it and sell it somewhere else.

Chair Parkins responded that was not the intent of that property.

Atty. Thomas stated that his understanding is that is not the intent. If someone wanted to sell it, they could sell it from the Crabtree site which would be easier.

Comm. Harger stated that there is a Stop Work Order on this so if the residents and the abutters in the area notice any activity going on...

Mr. Schultz stated that they are notified daily.

Chair Parkins commented that only because this fill is being taken off of this site, that site is not going to be there that much longer, she asked if they'd be agreeable to putting it on the 23rd.

Mr. Schultz responded that he would have his report ready for that.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table Separate #0619 until March 23, 2016.

SEPARATE #0626: 40 OLIVER TERRACE. BUSINESS

Mr. Schultz indicated that 40 Oliver Terrace is the old Satin American off of Platt Road. It is for a proposed fitness center.

Bonnie Searles, Resource Realty, 71 Autumn Ridge Road, Shelton addressed the Commission. Ms. Searles indicated that she and Kevin Gendron are business partners. Mr. Gendron owns a business called Better Athletic Development located at 33 Hull Street in Shelton. They are looking to take Oliver Terrace and make it into an amazing space.

Kevin Gendron, Better Athletic Development, 33 Hull Street, Shelton addressed the Commission. Mr. Gendron indicated that he has been in business on Hull Street for 13 years and they are a sports conditioning facility that works with athletes aged 10 years old through

junior high school, high school aged, college and professionals. He indicated that he has worked with a lot of the kids in town, local youth organizations, conducting camps and doing training in the facility. The facility is 6000 square feet right now and located on the third floor of a warehouse and an opportunity came up to look at a larger space to continue doing what they do and to add half-court basketball, artificial turf field - and right now there is no turf in Shelton or in the valley, so all the teams at the youth level and up – have to go to Trumbull, Stratford or Waterbury for winter conditioning if they can't get outside, so this would provide an opportunity for the youth in town to train in the winter time to say at the same level as surrounding towns with that opportunity.

Mr. Gendron indicated that he has been a strength coach for over 25 years. They have taken some local boys and girls and given them an opportunity to be recognized and play in college – some for free which has been fantastic. In over 12 years well over 300 senior high school athletes have received over \$6M in scholarships. He stated that he is very proud of everything that they've accomplished and he would love to be able to take the next step and open a larger facility to bring in more than just the surrounding area. It would also help local businesses if they could hold tournaments and things like that as well.

Chair Parkins asked what the size of the space was there.

Mr. Gendron responded 25,000 square feet at Oliver Terrace.

Mr. Schultz asked if that would be for his leased area.

Mr. Gendron responded yes.

Chair Parkins asked about the parking situation there.

Mr. Gendron responded that is something that they are currently negotiating with the owner right now. The building is over 250 feet long and there is grass along the entire front of it which he has offered to pave and make into parking all along the front of that building which he believes would be close to 70 spaces.

Mr. Schultz asked if that was what they want.

Mr. Gendron responded that they are still doing the demographics on that to determine the right amount of parking spaces but obviously the Commission would know best.

Chair Parkins responded that she didn't think 70 was going to be enough.

Ms. Searles added that in terms of tournaments and things like that they would obviously need more parking but there is an entire...grassy field.

Mr. Gendron commented that the owner has lot right across the street that is vacant, a dirt lot and he said that they could occupy it for spill-over, if needed.

Comm. McGorty asked what street the lot was across from.

Mr. Gendron responded Oliver Terrace. The lot is right across the street from the building.

Mr. Schultz added that it was a private road.

Comm. Harger asked if this was the building that they approved for the dog kennel.

Ms. Searles indicated that the dog kennel was in the front. This building is in back and it is an ugly tan and green building that looks like a big train.

Comm. Harger commented OK yes, they have space in the front and the property dips down in the back.

Chair Parkins stated that they are saying that there is grass in the front and asked if they meant in front of this building or in front of where the dog kennel is.

Mr. Gendron referenced the drawing that he provided and pointed out the entrance in the corner in relation to the grass area that the owner is willing to pave and make into parking spaces along the front of the building which is 250 feet long.

Chair Parkins commented that they want to make things look nice in Shelton and not put asphalt all over the place.

Ms. Searles responded that they could do gravel or make it pink if they want to.

Comm. Harger asked if this was the lower level or if it was a high rear section.

Ms. Searles responded no, it was hard to explain...

Mr. Gendron indicated that Oliver Terrace is a dead end and it is the last building on the left before reaching the dead end.

Chair Parkins commented that she thinks that they need to do a site visit prior to approval and they need to get a handle on the parking because these types of events – and she's been to some of them, there is a facility up in New Milford with the artificial turf. When they have tournaments that place is so crowded.

Ms. Searles responded that this would not be like that.

Mr. Gendron clarified that it would not be that type of facility because the turf would not be large enough to accommodate a tournament like that. He thinks that what she is thinking of is a full sized field like In Sports has in Trumbull with a full 100 yard field and a separate field that is only about 40'x30'. This field is only 180' long x 40' wide and it is really more for training purposes than anything else.

Chair Parkins commented that they mentioned tournaments though.

Mr. Gendron apologized and clarified that by tournaments he meant that a lot of the youth programs with the younger kids would be able to participate in something like that because it is not a large enough field for the older kids to be on.

Ms. Searles added that they are tournaments but on a really small level.

Mr. Gendron indicated that it would be seven on seven or five on five – not a full team size of 12 or 15. It would not be able to accommodate that.

Ms. Searles commented that they are going there tomorrow if anyone on the Commission is available to do an on-site visit.

Mr. Schultz stated that he would have to coordinate that with the Commissioners.

Comm. McGorty commented about the parking and that you really don't see the place anyway.

Mr. Schultz agreed but indicated that they have to make sure that there is enough.

Comm. McGorty stated that if they make the extra parking spaces – I mean, they hate to take trees down to make parking but it really isn't seen anyway.

Ms. Searles commented that they weren't really nice trees either.

Mr. Gendron added that most of the trees are dead already. It does not look as though anyone has been taking care of them.

Chair Parkins stated that she would like to go see it.

Comm. Harger asked what their hours of operation going to be.

Mr. Gendron responded that right now they are open 2 p.m. to 8 p.m. on Monday through Friday and Saturdays, 9 a.m. to 1 p.m. so they would probably stick to that only because the kids are in school so they are limited as to when they would be open. He added that he was not competing against Fitness Edge, Planet Fitness or any of those clubs because they do something entirely different.

Ms. Searles commented that it was not like a gym that you or I would go to.

Chair Parkins asked if they would be holding any after school programs or anything like that.

Mr. Gendron responded that their after school program is more for athletic conditioning.

Chair Parkins asked if it was for individuals that parents would drop off.

Mr. Gendron responded that is what happens now. Right now he is located in a heavy industrial area with machine builders on the first floor and fork lift trucks going by and the landlord allows them 20 parking spaces which they don't use all of. There are a lot of drop-offs because most of the kids don't drive yet – mostly middle schoolers.

Chair Parkins asked if this would be about 10 times the size of what they have now.

Mr. Gendron responded it would be four times the size.

Ms. Searles indicated that the way that she met Kevin initially was from her son who was a skinny little kid that wanted to play football. He was a scrawny little kid and she sent him to Kevin for a few months. He got bigger and better, had a better mentality so it isn't just better athletic development; he has a total system.

Chair Parkins responded that they were not questioning the use; their purview is to question the activities and the parking.

Mr. Gendron responded OK and encouraged them to visit the Hull Street facility and operations there.

Chair Parkins commented that they don't have the turf there.

Mr. Gendron responded no not there.

Comm. McGorty asked about the location and if it was near Winn Electric.

Mr. Gendron responded that Winn Electric is on the first floor of the adjacent building. Machine Builders is on the first floor of the building that he's in and he's on the third floor. He indicated that they have developed a lot of relationships locally with orthopedics and physical therapists so that when kids are through with physical therapy, they aren't necessarily ready to get out and play sports yet so PT's will send the kids to us to get them game ready.

Chair Parkins asked if he was looking to purchase this building or just lease.

Mr. Gendron responded yes, just lease.

Ms. Searles added that she wishes they could purchase. Mr. Gendron stated that maybe, down the road.

Chair Parkins asked for a motion to table this so that the Commission could take a look at it, look at the parking and the logistics of it. They will have to table it until the April meeting.

Ms. Searles commented that they have investors who ...

Mr. Gendron stated that they have two investors– they are forming a partnership with a company called Competitive Gains out of Las Vegas and the owner played professional football, coached professional football and he wants to partner with him. He sought them out to learn about his system and what he does and to improve the football aspect in the Northeast. He would like to make this the hub for the high school and college football in the Northeast as far as training goes. He is also associated with the UFC which is a worldwide brand and the UFC would like to do some of the mixed martial arts training out of the facility as well.

Comm. McGorty commented that is part of the concern with the scope. It sounds like the funding will be there to really grow but they have to make sure that the site can accommodate the great plan that they have in mind.

Chair Parkins stated that they cannot have people parking on Oliver Terrace.

Mr. Gendron agreed.

Comm. McGorty added especially with young kids.

Chair Parkins commented that if someone from Las Vegas is interested than it is probably more of a monetary thing to invest and not necessarily looking to improve the health of the Shelton (inaudible)...

Mr. Gendron responded no actually and he wishes he was here tonight but he is at their facility coaching right now.

Ms. Searles stated that she would disagree because he is really more about the kids.

Mr. Gendron commented that if they met him and knew more about football in this area, there is a lot of untapped talent that ends up going to Division 1/Division 2 schools, kids who have the potential to go further.

Chair Parkins responded that that also tells her that there is going to be more team events there than just single kids coming in after school for a program. It's OK, she just wants to make sure that there is parking there...

Comm. McGorty stated that he thinks that if they can arrange for somebody to be there, rather than all of them just dropping by – maybe they can get there at a common time where somebody can explain what they are proposing, where the parking could be so that (inaudible)...

Mr. Gendron reiterated about the lot across the street that is very large.

Chair Parkins stated that Rick would coordinate it.

Ms. Searles commented about the duration of the process because she is concerned about losing this opportunity to a machine shop.

Chair Parkins responded that they would take it up at their next meeting in April 12th. She added that they cannot add anything else to the March 23rd agenda.

Ms. Searles asked if it maybe it could be moved forward a little bit.

Comm. McGorty responded that all they could do would be to limit the use and it would limit them to the size that they could grow, if they did something now without all the information.

Chair Parkins indicated that they need more information to approve the use and they need a parking plan. She added that she did not think there were a lot of machine shops looking to lease in Shelton right now.

Ms. Searles responded yes, but she is a real estate agent and every time she thinks a deal is done, somebody else gets it...there are not a lot of spaces for a facility like this.

Mr. Gendron added that he has been looking for five years and had not found anything until they found this space.

Chair Parkins commented that it has been available for quite some time.

Mr. Gendron responded yes but it had a lot of environmental issues that the landlord only recently took care of because he would have taken it five years ago. Once he saw those environmental issues, he pulled out right away and only recently found that the environmental issues were taken care of and they contacted him.

Chair Parkins responded that it was a good sign if the landlord contacted him. Other people probably aren't looking to rent it.

Comm. McGorty reiterated that it looks good but the Commission needs affirmation (inaudible)...

Chair Parkins asked for a motion to table this until April 12th.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to table Separate #0626 until April 12, 2016.

Mr. Schultz commented that he should start working on a parking plan.

Chair Parkins stated that they could do their own site visits and she asked them to get a commitment in writing for the parking lot across the street from the person willing to allow them to lease it or use it.

Comm. McGorty added about the proposed parking and location of the 70 or so parking spaces.

Chair Parkins asked what the location was of a similar facility.

Mr. Gendron responded In Sports in Trumbull off of (inaudible)...it is big place with a full indoor 100 yard field so they actually play indoor football with 11 on 11.

Chair Parkins asked if there was anything more along the lines of what he was proposing here in Connecticut.

Mr. Gendron responded that he was not looking to do anything like In Sports. He was looking to do a mini version for training purposes. Aaron's Gym in Stratford has a 100' by 150' turf but that is all they have – turf. There is actually no parking there. There is a softball guy on the second floor who occupies two batting cages and then there is a square turf.

Chair Parkins asked if they had a set up like he was proposing.

Mr. Gendron responded no this would be the only one of its kind in the Northeast for sports conditioning, turf, basketball court, the mixed martial arts and the track. That is the thing - nobody else that he knows of has that.

APPLICATION #15-25: VIADE DEVELOPMENT, LLC FOR FINAL SUBDIVISION APPROVAL (9 LOTS), 185 EAST VILLAGE ROAD (MAP 163, LOT 15), R-1 DISTRICT.

Larry Edwards, P.E., 227 Stephney Road, Easton, CT addressed the Commission. Mr. Edwards stated that since they were last here, they've gone back and the Town Engineer has completed evaluation of the plans and produced a report with a number of additional comments to be addressed which they have addressed.

Mr. Edwards stated that those included notes on the Subdivision Record Map indicating onsite septic plans for each lot indicating that each lot would be serviced by public water and individual septic systems. There was a note for signing off the plans by the Town Engineer. They have all been incorporated into the plans that he submitted to Rick Schultz.

Mr. Edwards indicated that the last item was a request by Rick to look at expanding – originally and as a part of the last submission they included the incorporation of a Conservation Easement along the southerly border – a 25 foot conservation easement so that no disturbance would be taking place in that portion of the site.

It was also requested that they include one on the north side which they have included on the latest plans. Additional changes that were made from comments at the previous hearing were that they reduced the width of the road to 26 feet. They changed the cul-de-sac from an earlier comment by the Town Engineer and they've made it so that there is no island in the center of it. He indicated that they located the trees along East Village Road that they will be required to be removed. They were tagged and they have notified the Tree Warden that they would have to be removed.

Mr. Edwards commented that they did have to rearrange some of the lots because they changed the configuration of the road with the turnaround but the houses all stayed in the same place with just the lot lines changing. He stated that was the extent of what they changed since the previous meeting and he thinks that they have addressed all of the Town Engineer's comments.

Mr. Edwards stated that the Police Commissioner made a report, the Fire Department...

Mr. Schultz indicated that he would be reading those.

Mr. Edwards commented that he told Rick this afternoon in an e-mail that the plans were last dated 3/7/16 and it should really be dated 3/8/16 so the front sheet on this plan says 3/7/16 but the Subdivision Map is dated 3/8/16 so he wanted to clarify that. He indicated that those were the extent of the changes. It is the same basic plan. The Town Engineer reviewed the drainage and found that their drainage proposal was in accordance with the Town Regulations and they also reviewed the outlet for the drainage out onto Rugby Road which was already considered to be acceptable to the Town Engineer.

Comm. Harger asked if the plan he was displaying was the latest version.

Mr. Edwards responded yes.

Comm. Harger asked if there was any subsequent documentation or letter from the City Engineer because this letter that she has is dated January 12th.

Mr. Schultz stated that he would be reading it.

Comm. Harger asked if it mentioned connecting the new road to Nutmeg.

Chair Parkins commented that they would like to hear those letters prior to ending their discussion and questions with the Applicant.

Mr. Schultz read three pieces of correspondence from the Shelton Fire Department, City Engineer and Conservation Commission.

***See attached correspondence dated March 2, 2016 addressed to Richard Schultz, P&Z Administrator from Shelton Fire Chief Jones.**

***See attached correspondence dated February 24, 2016 addressed to Richard Schultz, P&Z Administrator from Shelton City Engineer, Robert Kulacz.**

Mr. Schultz commented that the City Engineer recommended a thru street. The Applicant is still requesting the Commission to act on a permanent cul-de-sac. The Fire Chief indicated that he could live with it; it is his intention to see thru roads where provided so obviously it is the Commission's call.

***See attached correspondence dated January 8, 2016 addressed to Richard Schultz, P&Z Administrator from Conservation Commission Chairman, Thomas Harbinson.**

Mr. Schultz commented about the bedrock mentioned by the Conservation Commission will probably necessitate significant blasting.

He stated that the City Engineer's original letter dated January 12th advised the Commission that a planning decision must be made regarding the new subdivision road and whether it should be connected to Nutmeg Lane.

Chair Parkins responded that he does not reiterate that in this more recent letter.

Mr. Schultz responded no and the Applicant's position is that it should be a cul-de-sac and they have heard from the residents. It is the Commission's call.

Chair Parkins commented that she didn't think any resident asked for it to be a thru road.

Comm. McGorty responded no.

Comm. Osak asked what lies in the area beyond the property line where the cul-de-sac is now.

Mr. Edwards showed the location and responded that it was the end of Nutmeg.

Chair Parkins added that they were back-to-back cul-de-sacs.

Mr. Schultz commented that it was planned for a thru road.

Comm. McGorty stated that there are grade issues.

Mr. Edwards stated that grade issues are the primary issue because, as it was indicated in the letter, this is a higher area here, very serious bedrock on top of the hill, so in order to get from here to here, they would have to basically cut off the whole top of the hill in order to get the grades to come down.

Comm. Osak asked what the change of elevation was between those two points.

Mr. Edwards responded that it was 10 feet of drop between here and here.

Mr. Schultz asked how many feet the elevation rises.

Mr. Edwards responded that from here to here it raises about 15 feet.

Comm. Osak asked what the total distance was.

Mr. Edwards responded that it was probably about 100 ...in about a (inaudible)...

Comm. Osak stated that it was going to be about a 15% grade.

Mr. Edwards responded yes, and added that they have two transitions of this. It is not a straight shot from one to the other so by the time they go from here to here the vertical curves are going to be...this whole hill is probably going to come down 5 to 10 feet depending upon where you are.

Chair Parkins asked Comm. McGorty about the additional traffic coming out.

Comm. McGorty responded yes the issue was about people using that to come out onto East Village Road and there is a Stop sign heading south and then there are people that just go through the Stop sign by Ridgefield coming up the hill – they are going to have more traffic coming out when there is a thru traffic so that could pose problems as well.

Mr. Edwards stated that on the location map it shows Ridgefield becomes the focal point where the Stop sign is and now when they put this one out to here which is not going to be well-

controlled. It seems to him that it has been designed up until this point for Ridgefield to be the main (inaudible)...

Comm. McGorty stated that it was somewhat blind as you come up over the rise and when they get snow people obviously try to get speed from the Stop sign to get up over that when it isn't plowed or treated yet so it could be a problem because there is a lot more traffic other than six houses when there are people using it as a cut through to get out to East Village Road.

Comm. Osak commented to leave it as a dead end.

Comm. Harger asked if there was any thought given to moving the cul-de-sac to the East Village end of the property so that people go up Ridgefield, take a left at Chaucer, take a left at Nutmeg and go into that area that way. She stated that she drove up there today again to see it and she thinks that from a marketing standpoint that was something that was not considered at all because you are driving under high power lines where the Nutmeg cul-de-sac is.

Mr. Edwards stated that he disagreed with the marketing aspect of it but from an engineering standpoint, that is the steep part of the property so even if you come up this direction you are still removing the same amount of material and then you are going to end up coming back down...

Comm. Harger stated that cul-de-sac in that area would not spill out onto East Village Road. She thinks that there is a serious safety hazard with people coming up East Village. The road pitches up, curves to the right ...she asked how anyone was going to take a left turn in.

Mr. Edwards responded that the downside to putting it where she is talking about there is that there are two houses right there and you'd be right in their backyards. These are very small houses. The way that they have laid it out here, there is a lot of distance on their own property to get to that (inaudible)...

Comm. Harger stated that the cul-de-sac doesn't have to end up being up in the upper part where the curve in the road is on (inaudible) ...

Mr. Edwards responded yes and no. He stated that this is a very steep section so if they try to bring that down through, they are again having to blast through rock to get that down. That is why they have the road coming up along this edge because the contours are the best to get into the upper part of the lot from that direction coming along that side. Yes, there are numerous other alternatives but based on the way they have looked at it in regards to the amount of site disturbance that has to take place for the development of it, coming off of this road will result in a lot more site disturbance than coming off in the other direction.

Chair Parkins commented that she didn't think that suggestion would be approved by the Fire Marshal.

Comm. Harger responded that it wasn't presented to him at all.

Chair Parkins stated it was because they would have to get response to that cul-de-sac and go all the way around when East Village Road is right there.

Comm. Harger commented that public safety is about people driving up from White Hills, East Village Road with that pitch and turn in the road.

Chair Parkins stated that the City Engineer didn't mention that about sight lines on this road.

Mr. Edwards indicated that sight lines – where they have the road right now proposed, the sight lines are well within the recommended standards. They don't have any need for any waivers of those standards.

Mr. Schultz asked what the feet were for that speed limit.

Mr. Edwards responded that it was something like 250 feet. He stated that the top of the hill is right here so they purposely – it is one of the reasons that they slid down as far as they could because it provided them with more than enough sight line.

Comm. Osak asked what the speed limit was on East Village Road.

Mr. Edwards responded that it is probably posted as 25 mph.

Chair Parkins stated that she's seen people gunning their cars to get up around the corner taking a left.

Comm. Osak asked about the distance from the crest of East Village Road to that intersection and if it was about 200 feet.

Mr. Edwards responded yes and he showed the top of the ridge and how far it goes down. He stated that there is an excess of 250 feet of sight distance.

Comm. Harger stated that a resolution to the concern about having the cul-de-sac on the other side and access for fire equipment would be just like what they do for condo complexes in Shelton – a separate gated entrance that the firemen can get into. They would have the key or combination to get in that way.

Mr. Edwards asked if she was suggesting to have a secondary access that way.

Comm. Harger responded yes.

Mr. Edwards responded that if they check with the Fire Department, he doesn't think that is their most desired (inaudible)...

Comm. McGorty commented that he didn't think that was the big problem. It is like any other neighborhood, you have to drive through (inaudible) with a cul-de-sac. That one is actually closer to East Village Road which is a main road. If they go down Ridgefield, it is like any other neighborhood (inaudible)...it is not a big deal that the cul-de-sac is over there for the Fire Department.

Mr. Edwards stated that the Fire Department's letter stated that they would prefer to have it but Police would probably prefer not to have it because they prefer dead end streets. There are grade issues from point A to point B there. He isn't telling the Commission that it can't be done but there are going to be severe amounts of rock removal in order to get those two roads to connect.

Comm. Harger asked if he feels that he has satisfied the concerns of the residents by having it this way in regard to water runoff.

Mr. Edwards responded that based upon their drainage and storm water analysis – yes they comply. The Town Engineer has reviewed that information and concurs with their numbers. He reiterated that one of the recommendations to the Commission during a previous meeting was to provide a permanent buffer. He showed the area that the Commission was looking at previously and they've provided that. As of yesterday, they provided it along the northern part too because it goes both ways with watershed going to the north as well as the south.

Mr. Schultz stated that it is the individual applications for the home construction that require engineering site plans and those have to be scrutinized. He advised the adjacent neighbors that they will be advised and can come to the office while they are reviewing them.

Chair Parkins asked if this was a payment in lieu of.

Mr. Schultz responded yes and he has his report so he will get to that when they are ready.

Comm. Osak indicated that he had no problem with it. The site distance on East Village Road, 200 feet is a 25 mph road but they have 25 mph roads all over Shelton but nobody holds at that speed limit. Long Hill Avenue is a 25 mph road but he would like to see a car going 25 mph so

they don't want to commit those roads to the other roads because they want to keep the interchange as free of traffic as possible. He added that nine house is enough for that.

Mr. Schultz read Staff's Report with conditions of approval dated March 8, 2016.

***See attached P&Z Staff Report dated March 8, 2016 for Application #15-25 for Viade Development, LLC for Final Subdivision Approval (9 lots) on 185 East Village Road.**

Chair Parkins asked for a motion and a second for discussion.

Comm. McGorty motioned and Comm. Tickey seconded.

Someone in the audience asked if they could comment.

Chair Parkins asked them to identify themselves.

Sharon Smarz, 19 Rugby Road, Shelton addressed the Commission. Ms. Smarz commented that she abuts this property. She said that she was very happy to see the Conservation Easement was also included on the northern part. She asked how big it was.

Mr. Edwards responded that it was 25 feet in width.

Ms. Smarz commented that she thought it was said that it would be along the perimeter and she asked why it wasn't on the other side too.

Mr. Edwards responded that he looked at it and was ready to put it on this morning but in reality you have the power lines along that whole edge so no development is going to take place in the area of the power lines and the slope of the property goes this way and this way so there is no potential runoff going to the east at all. He spoke to Rick and they agreed that there probably was not a need for one along the easterly border.

Chair Parkins asked where Rugby was in relation.

Mr. Edwards showed the location of Rugby.

Ms. Smarz asked about the trees that are 12 foot in diameter that the Conservation Committee wants to save. She asked how that works if those trees are right where they want to put the house.

Mr. Schultz responded that the Applicant will be required to flag them in the field and then when the individual applications come in...that's when (inaudible...)

Chair Parkins added saved if possible...

Mr. Schultz stated that the intent is to preserve the mature trees.

Ms. Smarz commented OK, so they will preserve which ever ones they could without interfering with the building. She commented that she understands what Ginny Harger was saying about the cul-de-sac being on the other side of the road but if that is going to make a lot more blasting than she wouldn't be in favor of that. As they stated at the first meeting they had, all of the houses in that area on both Ridgefield and Rugby are very old. They are worried about their foundations, wells, septic tanks and the less blasting they have she would be in favor of. She reiterated that they are very worried because of the older houses there, the septic and the wells – they are very concerned about having damage from blasting. She knows that they said there will be Pre-Blast Surveys which is good but she asked about the distance for them.

Chair Parkins responded 250.

Ms. Smarz asked if that was 250 feet from the property line or where the house is located.

Mr. Schultz responded that it is measured from the perimeter of the property. He told her she was within 250 feet.

Ms. Smarz responded OK, it's from the property line. She said that her other concern is with the water run-off. She went to Rick's office a couple of times and she is concerned that they water run-off is going to be a lot more. They have the containment and where they are going to put it on Rugby. She has pictures from the last rainfall, about two days after it, and the water just sheets across that road right now. They are concerned with nine more houses and the run-off going down there. She commented that she didn't know if it was something that they could address now.

Chair Parkins stated that was the City Engineer's purview.

Ms. Smarz responded yes she knows but he doesn't live there.

Chair Parkins responded no but he is a professional engineer.

Ms. Smarz commented about the pictures and stated that she knows that one of the Commissioners lives up there. If you have ever gone down Rugby after it rains or snows and it melts and then refreezes - it is a mess. It is a mess now so they are concerned about nine more houses. She thanked them for getting the conservation perimeter and added that it is a good thing.

Chair Parkins commented that it would help with the run-off.

Chair Parkins stated that they had a motion and a second. She conducted a vote.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was voted 5-1 to approve Application #15-25 for Final Subdivision Approval. Comm. Harger voted in opposition.

Chair Parkins called a five minute recess at 8:50 p.m. and resumed the meeting at 8:55 p.m.

APPLICATION #16-3: 714 LLC FOR MINOR MODIFICATION OF PDD #70 (BIG Y GAS STATION ATTENDANT BLDG), 401 BRIDGEPORT AVENUE (MAP 77, LOTS 26, 27, 28, 29, AND 30)

Mr. Schultz stated that Staff has received a letter from Atty. Steve Bellis requesting to withdraw without prejudice dated March 8, 2016.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept the letter of withdrawal without prejudice for Application #16-3.

Comm. Osak asked if there was going to be a building.

Mr. Schultz responded that it would be the original plan at 150 square feet.

Chair Parkins added that it would be a little square kiosk.

NEW BUSINESS

APPLICATION #16-5: PLAZA DINER, LLC FOR MODIFICATION OF SITE PLAN APPROVAL (BUILDING EXPANSION AND PATIO ENCLOSURE), 737 BRIDGEPORT AVENUE, (MAP 28, LOT 19), CB-1 DISTRICT (COMMERCIAL BUILDING): ACCEPT FOR REVIEW.

Mr. Schultz indicated that Woodside Plaza wants to do a lot of long overdue changes. He asked the Commissioners to please take a ride up there.

Comm. Harger asked if the Plaza Diner owns the whole complex.

Mr. Schultz responded yes and they are working on the Dunkin Donuts sign too. The franchisee said he can't do it and he brought that up, so hopefully, it will be something down the line to bring that pole sign into compliance.

On a motion made by Jim Tickey seconded by Virginia Harger, it was unanimously voted to accept Application #16-5 for review.

APPLICATION #16-6: DOMINICK THOMAS FOR INITIAL DEVELOPMENT CONCEPT PLANS AND PDD ZONE CHANGE FOR 445 ACCESS ROAD (MAP 63, LOT 31) (IA-3 DISTRICT AND FINAL SITE DEVELOPMENT PLANS AND PDD ZONE CHANGE (COMM'L BUILDINGS) FOR 493 BRIDGEPORT AVENUE (MAP 62, LOT 44) CA-2 DISTRICT: ACCEPT AND SCHEDULE A PUBLIC HEARING.

Mr. Schultz recommended March 23rd.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to accept Application #16-6 for review and schedule a public hearing for March 23, 2016.

APPLICATION #16-7: DOMINICK THOMAS FOR INITIAL DEVELOPMENT CONCEPT PLANS AND PDD ZONE CHANGE (18-UNIT MULTI-FAMILY DEVELOPMENT), 405 LONG HILL AVENUE (MAP 78, LOT 5) R-1 DISTRICT: ACCEPT AND SCHEDULE A PUBLIC HEARING.

On a motion made by Jim Tickey seconded by Virginia Harger, it was unanimously voted to accept Application #16-7 and schedule a public hearing for March 23, 2016.

APPLICATION #13-7: REQUEST FOR AN EXTENSION OF TIME TO SUBMIT REVISED PRELIMINARY DEVELOPMENT CONCEPT PLANS FOR THE ASSISTED LIVING FACILITY WITHIN PDD #77 (HAWKS RIDGE DEVELOPMENT).

Atty. Steven Bellis, representing Hawk's Ridge addressed the Commission. Atty. Bellis commented that they may recall initially they had Hawk's Ridge approval and there was an Initial Concept Plan for the residential component and the second piece was the Assisted Living. It was approved for 160 or 166 units for the assisted living.

Subsequent to that there was an extension of time that was voted on January 13, 2015 that allowed approval for the Assisted Living to go until September 1, 2015 and then to file the Detailed Development drawings thereafter. He stated that was the history of where they are.

Atty. Bellis indicated that the good news was that his client has signed a Letter of Intent with an assisted living facility developer out of Baltimore. He is working on the contracts now. They are scheduled to have a feasibility study time period in the contract and after those 60 days to prepare their Detailed Development drawings and come to the Commission for approval for the same 166 units.

Mr. Schultz stated that he was recommending an extension to September 1, 2016.

Atty. Bellis responded yes, he just wants to make sure that (inaudible). He knows that he came in and it was extended September 1, 2015 so he is probably going to come in before that but if they could extend the Detailed Development drawings to September 1, 2016 then he thinks that they are adequately covered.

Chair Parkins asked if he thought they were going to get it built before Hawk's Ridge is completed.

Atty. Bellis responded that under the contract, they have to do their site improvements to get the pad ready. They have 60 days after the closing which he thinks is unrealistic. He thinks it is more likely that doing the site work for that Assisted Living would take more like four months instead of two months but they're the ones pushing to build faster than what they are going to be ready to be able to do. To answer her question, they are the ones who want to start building right after the closing. This is not a new company. They have other facilities and they probably have

their layout already for their typical building; although he has not seen it. They have one in Norwalk; they've built other facilities in Connecticut. It would be built before Hawk's Ridge is finished.

Mr. Panico asked if there was any way that they could see any preliminary evidence by July 1st.

Atty. Bellis responded yes as a part of the contract which is not signed yet, he put in that they should meet with this Board – P&Z Commission as a preliminary (inaudible) so that they fully understand what this Board wants.

Mr. Panico asked when that would take place approximately.

Atty. Bellis responded during their Feasibility Study which would be the first 60 or 90 days after the contract is signed.

Mr. Panico asked when he thinks that they will sign the contract.

Atty. Bellis responded that he is working on it now with the lawyers from Baltimore.

Mr. Panico asked if he would have a contract in 30 days.

Atty. Bellis responded yes, 30 days sounds realistic.

Mr. Panico stated that if they have a contract in the next 30 days than 90 days from that would be the first half of July.

Atty. Bellis stated that he put in a paragraph that they have to go before the P&Z Commission. He wants them to understand what they have to do in the feasibility period.

Chair Parkins asked if they were aware of the original conceptual plans that you submitted.

Atty. Bellis responded yes and (inaudible)...

Mr. Panico commented that he thinks it is important for the Commission to have some knowledge of what is going on and to know that something is going on without waiting until September 1st that they have nothing. If there is somewhere where they can build an interim control it would be good.

Mr. Schultz reiterated that he wants an earlier date for submission for the Commission.

Atty. Bellis responded that the only step he sees is coming informally to them during a work session.

Mr. Schultz asked if that would be by May or June.

Atty. Bellis responded yes.

Chair Parkins added that they want to condition the September date...

Mr. Panico stated that July 1st was the date he was looking at.

Atty. Bellis indicated that they would come see the P&Z Commission in an informal work session by July 1st.

Mr. Panico responded yes, they could work in a work session and also get them into the Commission as a whole if they would like to do that.

Atty. Bellis commented that it was up to the Commission. For Detailed Development Plans it takes a while to get the architectural plans ready before making a submission.

Chair Parkins indicated that she thinks Tony is saying to make the September 1st conditional upon having a Staff session by July 1st. She asked Mr. Panico if that was correct.

Mr. Panico responded yes.

Atty. Bellis stated that he would keep it in the contract and let them now. He is still taking the position that they have an Initial Concept Plan approval for the 166 units.

Chair Parkins responded that depends how much they want to deviate from that.

Atty. Bellis commented that is what the contract says.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the request for an extension to September 1, 2016 for submission of revised Preliminary Development Concept Plans for the Assisted Living Facility within PDD #77 with the condition for an interim work session with Staff by July 1, 2016.

PUBLIC PORTION

Chair Parkins asked if there was anyone in the audience wishing to address the Commission on any item not on the Agenda.

Mr. Schultz told the Commission that Darlissa Ritter was present regarding the Long Hill Cross Road issue and stated that Staff will be working with her directly.

Darlissa Ritter, 157 Long Hill Crossroad, Shelton addressed the Commission. Ms. Ritter clarified that it was not (inaudible)...it has been an ongoing problem that wasn't totally cleared up, completed or in compliance when he was there 15 years ago. There were all kinds of conflicts about it, health issues for the owner so it just sat but lately it has been very active with crushing plants, stones, banging sounds and currently they have a mountain of a dirt pile. She asked them to go up and look at it.

Mr. Schultz indicated that it would be resolved.

With no further comments, Chair Parkins asked for a motion to close the public portion.

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

OTHER BUSINESS

APPROVAL OF THE MINUTES: 2/9/16 AND 2/24/16

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to table the approval of the minutes from 2/9/16 and 2/24/16.

ZONING ENFORCEMENT ACTION: 149 EAST VILLAGE ROAD

Mr. Schultz indicated that the Commission has to authorize legal action. This is a combination of contractor equipment and commercial business specifically fire wood at 149 East Village Road.

He indicated that commercial equipment is being stored overnight on a routine basis and they are conducting a business on the property for firewood. He stated that they try to work with the property owner but they keep getting requests for extensions of time. There is a formal complaint on this and he advised the complainant that he would put it on tonight's agenda. Legal action will result in a legal notice in the paper, he'll contact the property owner that they will be taking it to the next level.

Chair Parkins asked if it was a woodcutting business.

Mr. Schultz responded yes.

Chair Parkins asked if you weren't allowed to do that in a residential district.

Mr. Schultz responded that he also has commercial trucks, etc.

Chair Parkins commented that she understands about the trucks but asked why you can't cut wood on your property.

Mr. Schultz responded that you can for your own use but not for profit or gain.

Comm. Tickey asked if he was selling it from that property.

Mr. Schultz responded yes, the wood comes in logs, he splits it and takes it out. You can't do that there for profit.

Comm. Osak asked if the retail transaction was taking place on the property.

Chair Parkins stated that no, not if he is delivering the wood.

Mr. Schultz responded yes, he processes it and takes it off site.

Chair Parkins asked why that would not be legal.

Mr. Schultz stated that they don't allow activities that result in profit or gain. If you want to split wood for yourself or for your family members for free that's OK. He added that this is being done in conjunction with the commercial equipment.

Comm. Harger responded OK, so it is more like a home-based business.

Mr. Schultz responded yes.

On a motion made by Virginia Harger seconded by Ned Miller, it was unanimously voted to authorize Staff to take Zoning Enforcement Action regarding property located at 149 East Village Road.

PAYMENT OF BILLS

On a motion made Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve the payment of bills, if funds are available.

STAFF REPORT

***See attached P&Z Staff Report dated March 8, 2016 from Richard Schultz, P&Z Administrator.**

Mr. Schultz reviewed P&Z Staff Report items including upcoming ZBA Agenda items, DSC, Zoning Subdivision and POCD Update subcommittee items, Zoning Enforcement issued.

ADJOURNMENT

With no further business, Chair Parkins asked for a motion to adjourn.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to adjourn the meeting at 10 p.m.

Respectfully Submitted,

Karin C. Tuke
P&Z Recording Secretary

