SHELTON PLANNING AND ZONING COMMISSION
JULY 27, 2016

The Shelton Planning and Zoning Commission held a special meeting on Wednesday, July 27, 2016, Shelton City Hall Auditorium, 54 Hill Street, Shelton, CT 06484 at 7:00 p.m.

Commissioners Present: Chairperson Ruth Parkins
Commissioner Virginia Harger
Commissioner Elaine Matto
Commissioner Anthony Pagoda
Commissioner Frank Osak – Alternate sitting in for Commissioner Jim Tickey (Absent)
Commissioner Ned Miller – Alternate sitting in for Commissioner Thomas McGorty (Absent)

Staff Present: Richard Schultz, Planning & Zoning Administrator
Anthony Panico, Planning & Zoning Consultant
Patricia Gargiulo, Court Stenographer
Virginia Evanski, Recording Secretary

Tapes, correspondences and attachments are on file in the City Town Clerk’s Office and the Planning & Zoning Office.

I. II. & III. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Chairman Parkins called the June 28th Special Meeting of the Shelton Planning & Zoning Commission to order at 7:04 p.m. with the Pledge of Allegiance followed by roll call. She noted that Commissioner Frank Osak will be sitting in for Commissioner Tickey and that Commissioner Ned Miller will be sitting in for Commissioner McGorty.

Chairman Parkins advised the public that the meeting was a continuation of the public hearing for Application #16-8 for initial development concept plan and PDD zone change for a mix use development on Bridgeport Avenue. She then noted that the meeting is to begin with the applicant having the floor to discuss significant modifications to the residential component of the project. She noted that this may take a while and after it will be open to continue the public comments. She then advised that the Commission will begin with the list from the last hearing and noted that she was not sure if there would be any time for anyone new who signs up tonight but that the Commission would be continuing again to August 24, the 4th Wednesday in August, to allow everyone to speak. Chairman Parkins then advised that a letter had been received from the applicant to the Commission, which she read, consenting to an extension of 35 days for the completion of the public hearing and an extension for the Commission to render its decision. Chairman Parkins then advised that at one of the last hearings the Commission requested a peer review of the traffic study, and noted that the peer review is continuing, is substantially completed, and will be presented as an exhibit at the August 24th hearing.

Motion to accept the extension made by Anthony Pagoda second by Virginia Harger, motion carries.

The hearing was then opened to the applicant.

IV. PUBLIC HEARING
A. APPLICATION #16-8, DOMINICK THOMAS FOR INITIAL DEVELOPMENT CONCEPT PLANS AND PDD ZONE CHANGE (MIX USE DEVELOPMENT), FOR BRIDGEPORT AVENUE (MAP 50, LOT 9), R-1 DISTRICTS (CONTINUED FROM 5/31/16).

DOMINIC THOMAS – ATTORNEY AND REPRESENTATIVE FOR THE APPLICANT

Attorney Thomas gave an outline of what is to be addressed at today’s meeting.
   1. Peer Review;
   2. Land Use and Marketing;
   3. Updated Fiscal Analysis based on changes;

Attorney Thomas then went on to discuss the timeline and the importance to get everything done as soon as possible as it is necessary due to the cost of the project.

   4. Changes to the residential component;

Attorney Thomas then discussed the Blue Dot Trail and then discussed a revised zoning chart due to an error he made in the last chart. He then discussed the zoning in great detail as to the differences between LIP and PDD and the requirements involved. He then presented a site plan map and spoke about what can be done with the property if it were to be LIP. He noted he felt this needed to be presented to explain to the public the differences based upon their comments at the previous hearing. He then spoke of the Site Plan for the PDD proposed. Attorney Thomas then spoke of the history of these such developments along Bridgeport Avenue and the resistance presented at that time pointing out similarities. He then noted that the police department has not increased but has shrunk in size. As for the fire department Attorney Thomas indicated that he has as an exhibit an article from Shelton Harold noting that it states Chief Frances Jones indicates new development will not affect fire service and that the development will be to the benefit of the fire department and not cause any extra burden upon the fire department. Attorney Thomas went on to point out the benefits over the years from the developments on Bridgeport Avenue. Attorney Thomas then spoke of a letter from the Connecticut Post and the contents of the article about The Mark. He then indicated that they will be presenting a marketing report on the retail which Jason Wuchieski from RHYS will comment as to a report done by datastory. Matthew Popp the environmentalist will comment on the environmental report. Jim Swift, the engineer, will discuss the changes to the site plan to address concerns as best as can be done and the language in the engineers report from the last meeting. Then Eric Zambell will discuss the new design and how the new design got where it is.

CHRIS KERIN – LICENSED REAL ESTATE APPRAISER IN CT KERIN & FAZIO VALUATION GROUP, FAIRFIELD, CT

He gave the Commission his professional biography and informed the Commission that he’d been asked to update the fiscal impact study that he had done already based on the changes made in the application. He then went into noting the changes made to both the residential and commercial pieces of the property. He made it a point to note the changes in revenue throughout and summarized the differences.

DOMINIC THOMAS – ATTORNEY AND REPRESENTATIVE FOR THE APPLICANT

Attorney went on to note the fiscal impact of the apartments, the prior developments, and children.

Attorney Thomas then directed the Commissions attention to a marketing study done by a group out of Maryland, Datastory.
JASON WUCHISKI – EXECUTIVE VICE PRESIDENT/PRINCIPAL, RHYS COMMERCIAL REAL ESTATE FIRM OUT OF STAMFORD, CONNECTICUT

Mr. Wuchiski gave the Commission a background as to what his group specializes in and his qualifications and advised he is speaking in regards to the retail component of the project. Mr. Wuchiski then went through his presentation involving maps of this area explaining what is being looked at and considered in evaluating need for retail commercial services.

DOMINIC THOMAS – ATTORNEY AND REPRESENTATIVE FOR THE APPLICANT

He noted that the preparers of the report, Datastory, are out of Maryland and that it is being looked into seeing if they can make it to the next meeting. Attorney Thomas noted that there is substantial interest by potential tenants but that they are not a liberty to reveal any names as the tenants are driven by seeing approvals before willing to commit. Also the activity of the publicity has been substantial.

Attorney Thomas then introduced Matt Popp to discuss the environmental report submitted.

MATTHEW J. POPP, PROFESSIONAL WETLAND SCIENTIST – ENVIRONMENTAL LAND SOLUTIONS, NORWALK, CT

Mr. Popp gave the Commission a background as to his qualifications and advised he that he’s been asked to visit the site on numerous times and recited his findings which he noted he obtained from visiting the site 7 times to date. He also noted that he had set traps in the area of the site as allowed. Mr. Popp then recited his findings noting such findings on a map of the site.

Commissioner Harger asked about any potential wildlife to be affected and possible signs of endangered species.

Mr. Popp noted that if anything possibly box turtles but that most of the vegetation that exist is eaten by deer and no indication of box turtles were seen. Possibly also some salamanders in the wetlands but none were seen. He did express concern during construction of certain areas and the DEEP’s involvement due to the size of the project. Storm water management was also addressed as well as wetland impact. Mr. Popp went through the plans, their impact on the area and the plans to limit the impact. He also indicated that he would continue to visit the site and monitor the site and spoke of zoning requirements versus what is a part of the plans and the beneficial impact on the environment.

Upon Mr. Popp’s conclusion Attorney Thomas then clarified the Commissions intentions to hold all questions until the end.

Chairman Parkins indicated that Attorney Thomas was correct.

Attorney Thomas then indicated that if the Commission would have any questions as to marketing that Jason Wuchiski had another meeting and could not stay. As such Attorney Thomas stated that he would like to review the executive summary in Datastory and what it states. Upon completion Attorney Thomas asked the Commission if they had any specific questions that they would like to ask Jason before he leaves and if not would continue on with the presentation.

Commissioner Harger asked about Attorney Thomas previous mention of someone coming from Datastory to which Attorney Thomas noted they are trying to get someone up from Maryland. Commissioner Harger went on to note that there was a lot of information given at this time. Attorney Thomas advised he would take note of her concerns for the next meeting.
Attorney Thomas then introduced Jim Swift to discuss the substantial changes. He noted that he likes to keep things as realistic as possible and then discussed Matt Popp's presentation and suggestions which he noted he felt were doable noting some of them were ones that would have been suggested regardless by an Inland Wetlands Commission to protect the area. He then revisited his comparison of LIP versus PDD in what is being done and what could be done.

**JIM SWIFT, PROFESSIONAL ENGINEER AND LANDSCAPE ARCHITECT**

Mr. Swift explained to the Commission the layout plan that he had before them, layout site modification plan. He then explained the reason for the plan and noted that 4 full size copies and 8 reduction copies were submitted to staff at the beginning of the meeting. Mr. Swift then went through the plans and the changes with the parking and the apartments. He also discussed changes to Parcel D and noted no change in the access to Buddington in that the only access allowed is a gated emergency access. He also discussed the proposed food service structure and noted any food services located on that site be located a minimum of 200 feet from any residence from that site. He also discussed connections between the parcels with sidewalks and connections between the different uses including bicycle lanes and the trails. He then showed plans side by side and discussed the environmental part of the differences between LIP and PDD and the overall expressed concern by the public. Mr. Swift then went on to discuss a review of Mr. Trinkaus' report and the proposed plan and compliance with the regulations noting that this is a conceptual plan which will need final review by all agencies and compliance with regulations and a need for more detailed drawings. Mr. Swift noted that he had included 8 copies of the Owner's Guidelines and the Performance Standards for Eversource for each of the Commissioners.

Dominick Thomas presented copies of documents presented at the last meeting which related to the end of Mr. Swift's presentation.

After Mr. Swift was done Attorney Thomas noted that Mr. Swift gave a subdivision plan to show the comparison between the LIP and PDD. He then recited the changes made to the plans.

Attorney Thomas then introduced Eric Zambell.

**ERIK ZAMBELL OF GANOFF ARCHITECTS – GROUNDS ARCHITECT**

Mr. Zambell pointed out the architecture changes to the building, parking garage and impact on parking from previous proposed plan walking the Commission through the changes. He noted the ascetics of the structures, suggesting the proposed material to be used to obtain the look desired. He also noted that the language used has been reduced as well. While discussing the plans, Mr. Zambell indicated that the building is intended to be energy start rated and therefore incorporating as many green building practices as can be done. He also discussed the mall area of the property indicating that the same materials to be used as those of the apartments. He then showed an image of Retail A noting that it is more of the traditional look. He then showed a rendering of the entry from Bridgeport Avenue.

Attorney Thomas then noted to the Commission that the reason the specific view was selected is to show the Commission some idea as to elevations of the plans what you will see from Bridgeport Avenue with respect to the buildings and landscaping noting it is not the point to see the retail businesses from the street.

Attorney Thomas then indicated that they were done with their presentation and would like to respond to any questions the Commission may have.
Chairman Perkins then asked the Commissioners if they had any questions at this time.

Commissioner Harger asked about the environmental report regarding the pitch and changes in the topography.

Matthew Popp responded to Commissioner Harger’s request for clarity regarding the pitch and impact on a vernal pool and treating the water.

Commissioner Harger then asked what would be the appearance of a wildlife barrier.

Matthew Popp noted that in some spots it’s a stone wall but in some instances only 18 or 15 inches in height is needed or a plastic, prefab barrier. He then noted that there already exists a stone wall which will make up most of the wildlife barrier.

Commissioner Matto then asked about the mention of a creation of a wetland area.

Matthew Popp responded in explaining the purpose and need for the wetland area to have a wetland system in place and where they would like to place it.

Commissioner Matto asked Mr. Popp to explain what a “rain garden” is and what it does.

Mr. Popp advised the Commission what a rain garden is and why it is created when treating water.

Commissioner Miller then raised the impact of traffic with the changes as proposed.

Attorney Thomas responded walking through the changes and the thought process used and noted OSTA requirements.

Commissioner Miller then asked about Parcel C, the building closest to the residences, moving.

Attorney Thomas responded that in Mr. Swift’s plans there is an indication referencing changing noting that there is the ability to have a 200 foot buffer and discussed.

Commissioner Miller asked about the cul-de-sac and if it was still needed even though there’s the connection to Buddington for emergency vehicles only.

Attorney Thomas indicated that it is required.

Consultant Panico noted to Attorney Thomas that the residents want assurance that it will remain a dead end and will never be connected to the service road.

Attorney Thomas advised that emergency vehicles will use the main roadway and the purpose of the turnaround.

Commissioner Harger then asked about the changes to Parcel D now being 2 buildings.

Attorney Thomas noted the changes made to Parcel D and the reasons for the changes.

Commissioner Harger then asked about food service locations on Parcel C.
Attorney Thomas discussed the possible locations for food services but noted that there are no set plans at this point in the plan as the focus has been on Parcels A, B, & E.

Commissioner Harger then asked if Parcels C & D could be flipped.

Attorney Thomas advised that the areas selected for their particular use were due to the size of the area, the topography, inland wetland, open space and other such issues and that the proposed uses could change if it fit within the guidelines and was economically driven.

Commissioner Miller discussed his thoughts as to Parcel E and the changes with Parcel E noting his distaste for the design, appreciation of the parking garage being covered, and pool noise concerns.

Attorney Thomas indicated that they are unsure as to the noise level and what is allowable.

Mr. Swift indicated that the opening of the pool area faces Mill Street and noted the topography and that a sound barrier could be a possibility.

Commissioner Harger asked if the pool could be enclosed.

Mr. Swift noted that the pool is surrounded by three sides and is more that just a pool as it is a part of the landscaping and lifestyle of the proposed plan.

Commissioner Miller then raised concerns for the neighbors who are currently hearing a babbling brook but now have the noise from the property.

Mr. Zambell discussed the design plans and the reasons behind the plans addressing concerns as to noise.

Attorney Thomas then discussed LIP and PDD noise issue differences and the possibility of addressing noise issues, noting the South side.

Chairman Parkins then asked about the retail area, the marketing analysis and impact of other high-end retail spaces in the area.

Attorney Thomas then discussed the interest in the site and the leakage report noting that if there is no interest then the development will not go forward.

Commissioner Harger then asked about map, the key, and the reference to a 10 minute drive time in the report and the average net worth based on real estate.

Attorney Thomas discussed the report and the discussions he had with Jason Wuchiski.

Commissioner Osak indicated that his problem with the proposal is that the area was never intended to have a residential development. Residential component first and then other components such as retail and food service. Commissioner Osak expressed his concerns for the development continuing for about ten (10) years and wanted to know what guarantee is there that the other components will be built.

Attorney Thomas responded that it would be built simultaneously except for parcels C & D – the medical buildings and food service – would not be. He then went on to explain that the residential piece would be built first along with the retail pieces – parcels A, B & E – and that these three (3) parcels need to be built simultaneously in order for the project to succeed.
Commissioner Osak inquired about the fiscal study and indicated he had not had the chance to review the changes but that he had problems with the previous study and indicated his concerns with the old study.

Attorney Thomas advised that the changes that were made were due to the elimination of the apartments and the nursing home. He then discussed the fiscal study noting the services provided such as police department, fire department and education.

Chairman Parkins then opened the meeting up to the public noting that she would start with the sign-up sheet from the last meeting first and began reading off the names.

**Tarrance Gallagher**

Mr. Gallagher noted that he wanted to give up his spot.

Chairman Parkins then recalled that Greg Tetro had asked her if the engineer for the public, Steven Trinkaus, could be heard first and she felt it would be in the interest of the public to allow Mr. Trinkaus to speak first.

**Steven Trinkaus – Licensed Professional Engineer, Southbury, CT**

Mr. Trinkaus indicated that he represents the neighbors that are in opposition to the development. Mr. Trinkaus noted that he came in late and therefore at a bit of a disadvantage but that he had read written notes provided by his client and that he still stands by his comments made at the last meeting regarding a lack of compliance with the Commission's own regulations as to what is to be submitted and pointed out his problems with the plans and the site.

Mr. Trinkaus then indicated that he wanted to speak about the marketing study. He then went about telling the Commission about a plan to put in a movie theater in Southbury, CT, which is where he's from.

He then went back to discussing the comments made by Matt Popp and the vernal pool.

He then went on to discuss the market and demands of the market.

Mr. Trinkaus then informed the Commission that he'd like to reserve the right to provide written comment for the next meeting and noted he'd like to see the written response made by the applicant and the revised plans.

**Tarrance Gallagher – 43 Judson Street**

Mr. Gallagher informed the Commission that he is a member of the City's Trails Committee for over 20 years and gave his personal background. He then discussed his concerns with the conservation of the land, the Blue Dot Trail and the history of the trails. He did indicate that he is in favor of PDD but just not this PDD. He then discussed local development, in and outside of Shelton, and traffic problems already existing. He also discussed other uses for the property.

Mr. Gallagher then told the Commission about events that took place in Old Saybrook and Mansfield on projects that he has been involved with regarding open spaces and vernal pools.
He then submitted three (3) documents: one about store center, one about Old Saybrook’s regulations, and one copy of Shelton Life.

**Jan Juard**

Ms. Juard indicated that she wished to defer to the next meeting.

Chairman Parkins noted that she would have to sign-up again.

**Lourdes DelGado – 15 John Dominick Drive**

Ms. DelGado discussed her opposition to the development and asked that the Commission be judicious and the intentional preservation of the scenic Mill Street and Buddington area and quality of life. She also noted that the Commission should never approve a zoning change to benefit individual profit.

**Joan Flanery – 8 Partridge Lane**

Ms. Flanery informed the Commission that she was once on the Commission and her views when she left the Commission. She then discussed PDD and what she perceived as its purpose and the history from when she was on the Commission. She then voiced concern that the proposal is a misuse of a PDD and considered it to be spot zoning. She also noted that developers have proposed in the past things that they have not followed through with speaking specifically about a walking path which was not completed as promised despite being a part of the approved plans pointing out that developers cannot be trusted.

Ms. Flanery then discussed the proposed restaurant and apartments noting the failure of restaurants and the presumed targeted market of millennials. She then proceeded to note all of the other reasons she believes the proposed development is not needed in Shelton.

Ms. Flanery then discussed her past life in Stamford and how she transplanted to Shelton to regain the lifestyle she had before Stamford developed. She pointed out the similarities and how she hopes Shelton to not follow the same course.

Ms. Flanery then informed the Commission that during the last development blasting at Split Rock, she lost her well costing her thousands to repair out of her pocket.

Ms. Flanery concluded that the zoning should stay as is and there should be no zoning change to PDD.

**Beth Carone speaking for Christian Carone**

Ms. Carone noted that she was the mother of Christian Carone who could not be at the meeting because he is a counselor at Union College. She then indicated that Christian sent her a text and asked that she relay his thoughts. He wanted it know that he opposes the PDD and his views of Shelton and the proposed development.

Upon completion of speaking Chairman Parkins indicated that she had completed the list from the last meeting and that it is now 10:00pm that the meeting will be concluded for the evening to be resumed on August 24, 2016.

V. ADJOURMENT

Motion to adjourn at 10:03 pm made by Ned Miller second by Virginia Harger, motion carries.
Respectfully submitted,

Virginia Evanoski  
Planning & Zoning Recording Secretary