



SHELTON PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

HELD WEDNESDAY, MAY 23, 2018 AT 7:00 PM.
CITY HALL AUDITORIUM, 54 HILL STREET, SHELTON, CT 06484

PZC Commissioners Present:

Virginia Harger, Chairman
Anthony Pogoda, Vice-Chairman
Elaine Matto, Secretary
Jimmy Tickey
Charles Kelly
Mark Widomski
Nancy Dickal, Alternate

Absent: Ned Miller, Alternate

Also Present:

Richard Schultz, AICP, Planning and Zoning Administrator
Anthony Panico, Consultant
Pat Gargiulo, Stenographer
Karen Kemmesies, Recording Secretary

Tapes, correspondence and attachments are on file in the City/Town Clerk's office and the Planning and Zoning Office and minutes are available for review on the City of Shelton Website www.cityofshelton.org

I. Call to Order

II. Pledge of Allegiance

Chairman Harger called the meeting to order at 7:00 PM.

III. Roll Call

Chairman Harger identified members present.

IV. Other Business

A. **Application #18-02**: Petition of Ricar, LLC and Mianus Holding, LLC to Modify PDD #66 : legal opinion by Corporation Counsel

Without objection this agenda item was tabled as Corporation Counsel was not in attendance.

V. Public Hearing

Comm. Harger reviewed the guidelines. All members of the public wishing to address the Commission will need to clearly print their name and address on the sheet at the podium. This is

to assist the recording secretary and the stenographer to correctly identify the speakers when doing the minutes and transcripts of the public hearing. The applicant and/or associates will make a presentation to the Commission. During the presentation the Commission and/or the staff may ask questions to which the applicant and/or his associate will be given the opportunity to answer during or at the end of the presentation. After the presentation has ended and if there are no further questions from the Commission, the public will be given the opportunity to address the Planning & Zoning Commission about the item being discussed by the Commission. All comments and/or questions are to be directed to the Planning & Zoning Commission Chair and to the Chair only; not to the applicant and/or his associates. During the public hearing dialog is not permitted between the public and the applicant and his associates. Members of the public are expected to practice appropriate etiquette by being quiet, observant and respectful. Disrupted attendees may be asked to leave. All comments should be informational directed to the criteria of the zoning regulations, not of personal feelings. Unless a member of the public has new comments or a question to the Chair, members of the public are asked to indicate whether or not they are in agreement with the previous speaker and to please not repeat the same testimony verbatim when it's your turn. And we ask that you be respectful of others time as we have a full house tonight. The applicant's attorney and/or consultants will be given the opportunity to address any comments or questions from the public after the last person from the public has been given the opportunity to speak. If the public hearing has not concluded by 10:00 p.m., the public hearing will remain open and a day for continuation of the public hearing will be announced at which time the public hearing will pick up from the point where it was left open. If the public hearing remains open, the Planning & Zoning Commission is not allowed to make any public comment, discuss any part with the applicant and/or his associate's presentation or receive any additional information from anyone. After the Chair is satisfied that the applicant and/or his associates have concluded their presentations, has answered all questions and have addressed all concerns from the public and the Commission, the chair will ask for a motion to close the public hearing.

These two applications will be taken together.

- A. **Application #18-05**, John Paul Development, LLC for Special Exception approval for DRD Residential Development (Booth Hill Estates: 17 lots), Booth Hill Road (Map 44, Lots 56 and 57)
- B. **Application #18-06**, John Paul Development, LLC for Final Subdivision Approval (Booth Hill Estates: 6 lots), Waverly Road/Booth Hill Road (Map 44, Lots 56 and 57), R-1 District

The public hearing was started at 7:10 pm with the reading of the legal notice.

The legal notice published in the Connecticut Post for May 23, 2018 reads "The Shelton Planning and Zoning Commission of the City of Shelton, Connecticut hereby gives notice of a public hearing to be held on Wednesday, May 23, 2018 at 7:00 P.M. in the Shelton City Hall, 54 Hill Street to consider the following: 1.) **Application #18-05**, John Paul Development, LLC for approval of a Special Exception in accordance with section 33 of the Shelton zoning regulations for a Design Residential District (DRD) Residential Development on property consisting of 14.6 acres located on the northerly side of Waverly Road at the intersection of Booth Hill Road and identified as assessor map 44, lot 57. The site development plans are shown on drawings titled Booth Hill Estates prepared by James R. Swift PE Landscape Architect and Engineer dated 1/30/18 and Lewis Associates surveyor dated 9/7/16. The intent of the proposal is to accommodate development of an 18 lot Design Residential District cluster-type development

conveying out of a total of 6.1 acres as open space. All the proposed lots with the exception of lot 18 will be accessed by a private cul-de-sac road off of Booth Hill Road. The site is currently zoned as a Resident R-1 district and will be served by individual on-site septic systems and public water. A six lot conventional sub-division application located on 7.9 acres of the property adjacent to the subject property has been submitted in conjunction with this application for the development of the property along the Waverly Road frontage.

Correspondences were submitted for the record.

Aquarion Water Company dated 3/6/2018 to Gary Zahornasky, Chairman of the Shelton Inland Wetlands Commission (attachment #1)

Robert F. Kulacz, PE , City Engineer dated May 11, 2018 to Richard D. Schultz (attachment #2)

Laurel Shaw, Registered Sanitarian - Naugatuck Valley Health District dated March 6, 2018 to Chairman, Planning and Zoning Commission (attachment #3)

Thomas Harbinson, Chairman Shelton Conservation Commission dated March 21, 2018 to Chairman Gary Zahornasky of Chairman Inland Wetlands Commission and Chairman Virginia Harger, of the Planning and Zoning Commission (attachment #4).

The Chair asked Richard Schultz, AICP, Planning and Zoning Administrator to explain the history and the details of the DRD Residential Development zone. The regulation was adopted August 8, 2017 with an effective date of September 1, 2017. The new regulation replaced the old Planned Resident District. That zoning technique was used to create Aspetuck Village on Shelton Avenue. The Commission, after it completed its 2017 Plan of Conservation and Development thought it best to revisit the regulations as no new developments were coming forward using the old technique. The intent and purpose of the DRD is to focus more on single family detached rather than multi-family design in a clustered setting.

A DRD is an alternative development that may be proposed by an Applicant and granted by the Commission as a **Special Exception** in accordance with the application procedure set forth in **Section 23.7** as well as the requirements set forth herein. If said proposal also involves the creation of fee-simple lots and/or public streets, said proposal shall also conform to the City of Shelton Subdivision Regulations. It is the policy and intent of this Section to provide a voluntary mechanism and alternative design standards that will encourage the preservation of open space and protect agricultural lands, forests, wildlife habitat, contiguous protected areas, and the suburban character of the City of Shelton, through a mechanism that removes the constraints of traditional lot area, shape and frontage requirements and establishes a density standard for the applicable district, in an attempt to produce a flexible and economical alternative to conventional subdivisions. The goal of this alternative mechanism is to achieve one or more of the following objectives:

1. To encourage a less sprawling form of community development that makes more efficient use of land, reduces land consumption, and preserves suburban character.
2. To encourage designed residential developments by providing developers with an alternative that preserves open space and reduces infrastructure construction and maintenance costs due to a more compact subdivision design and road design flexibility, as well as opportunities for receiving a minor density increase.

3. To mandate the use of private roads and streets maintained by a home-owner's association, thereby reducing future costs to the City for on-going maintenance of development infrastructure. At the specific request of the Commission, however, one or more proposed streets shall be constructed and dedicated as public streets to assure overall continuity in City-wide street circulation.
4. To preserve plant and animal habitat, wildlife corridors, and recreational opportunities by protecting large contiguous open spaces and connected corridors.
5. To preserve views and reduce development spread along travel corridors by maintaining visual buffers and minimizing intrusions along existing public streets.
6. To establish an efficient procedure which ensures high-quality design and planning that protects open space without increasing the processing time or the development cost to the Applicant or the City.

This particular application is permitted by right in a R1-A zone. That is a three acre single family zone. Ten acres or more is needed for this application to be considered for the DRD zone. Open space shall be defined as land not developed for residential uses, accessory structures related to those residential uses, or shared recreational facilities, owned, maintained, and monitored by the entities identified below. Walking, hiking, and biking trails which are not paved and which have a pervious surface are not considered shared recreational facilities and can be included within the required minimum percentage of open space. Septic fields, as well as areas required for and used as storm-water detention basins, may not be used counted as part of the minimum required open space area. A minimum of 30% of the buildable land of the original parcel as determined above must be preserved as open space, but in no instance shall the minimum open space be less than one (1) acre in area. A traditional sub-division is at 10% of the parcel and the quality of the piece is not defined. The DRD states the applicant must demonstrate that not less than 75% of the minimum open space requirement is met by either a single contiguous parcel or by no more than two separate parcels of land, each with a minimum width of not less than 100 feet. Open space shall be permanently protected and maintained by one or a combination of one or more of the following: 1) Conveyance to a Homeowners' Association. A homeowners' association is a private non-profit corporation, association, or other non-profit legal entity established by the developer. Membership in said homeowners' association shall be mandatory for property owners and made a required covenant in any deed issued or passed, or 2) Private ownership protected by deed covenants and restrictions in perpetuity, and use limited to conservation, agriculture, forest and other uses consistent with the purposes of this regulation, or 3) Conveyance to the City of Shelton upon acceptance by the Board of Aldermen or such other acceptable alternative that meets the spirit and intent of this Regulation and is approved by the Commission. In this instance the developer will convey the parcel to the City. Unless mandated otherwise, all internal development roads shall be private roads, owned and maintained by the Homeowner's Association. Private roads have opportunities for increased flexibility in design and construction and are subject to approval by the Commission, City Engineer, Fire Department, and Police Department. Maintenance of private roads and associated storm water drainage facilities must be spelled out in the covenant of the Homeowners' Association, subject to the Commission's approval. Public Streets, when so mandated as such by the Commission, such public street design and construction shall conform to the road design standards set forth in the Subdivision Regulations as well as the specifications of the City of Shelton, as amended. In order to increase design flexibility, the Commission may consider alternative road design standards for DRDs, subject to the approval of the City Engineer, Fire Department, Police Department, and City Streets Committee of the Board of

Alderman. The Commission may permit reduced road widths and the use of permeable pavement materials to reduce the amount of impervious surfaces in a DRD, subject to the approval of the City Engineer. Standards are specific to the utilities permitted. All utilities serving a proposed DRD shall be located underground. In the R-1 and R-1A Districts, individual on-site septic systems meeting the requirements of and subject to the approval of the Naugatuck Valley Health District are permitted. In the case of individual septic systems, each lot shall meet or exceed the minimum lot size requirements set forth in Table 1 for such lots. Individual on-site house wells in a DRD may only be permitted in the R-1A District. All other DRDs shall be served by public water supply. Where allowed, on-site wells and water systems shall be installed and maintained in accordance with the standards of the Naugatuck Valley Health District. This application will have public water system.

It was noted that the application is still under review by the Wetlands Commission and the Fire Department.

John Paul of John Paul Development explained that if the Patrick family developed the 23 acres as a regular subdivision there is the possibility of 21 houses with limited open space. With his plan there will be more acres of open space and it will be adjacent to the conservation area. It was noted that there were discussions that the Conservation Commission might purchase the land but nothing came of that. It was appraised by the Conservation Commission and there were conversations with them and the Mayor's office but it did not go forward. Mr. Paul indicated that he was contacted through the Patrick family of the availability of the parcel and that was how his purchase of the parcel was completed. Much time and consideration has been spent to create a upscale development with housing units in the 2,250 to 2,850 sq ft size in the \$500,000 to \$600,000 price range. The private road will set the homes off of the main street thus maintaining the wooded road side appearance along Booth Hill Rd.

James Swift PE presented the certified mailing receipts to Mr. Schultz. He indicated that there have been fruitful conversations with the Wetlands Commission and modifications have been made as per these discussions. In reviewing the design plan he showed the conservation area is north and northeast of the parcel and is owned by the State and administered by Aquarion Water Company. With the DRD district there will be 6.13 acres of open space whereas the application only requires 5.38 acres and if this was a conventional subdivision the requirement would be only 2.6 acres. He pointed to the detention basin located in the northwest part of the parcel. He displayed the overview of both applications – the six 1 acre conventional building lots lining Waverly Road as well as the 17 lots of the DRD district. He indicated that he will be reviewing the communications submitted this evening and would take the comments under consideration. There is an existing city water service at the corner of Booth Hill and Waverly. He will be extending the line to the development and will be extending it further to the existing homeowners that abut this parcel. The parcel will be served with on-site septic systems and test pits have been inspected and confirmed as acceptable by the Valley Health District. The parcel has a small wetlands area and intermittent watercourse fed mostly by groundwater. The majority of the run-off will be collected by the private road drainage system that will disperse into the basin. Some of the houses downgrade will have individual infiltration systems to manage the roof leaders and other impervious surfaces. He explained how the water flow is being managed so as to lessen any impacts on the adjoining properties. He stated that the pre and post construction run off effects will be zero percent increase as per the requirements. The infiltration systems will be enhanced with VORTEX chambers to support maintaining the water quality.

Soil and Erosion control is being greatly scrutinized. With an approval from the City the next step will be to seek review and acceptance of the general permit from DEEP. He and Mr. Paul feel this DRD application provides a nice balance of development and open space preservation.

Members questioned the proposal. Comm. Dickal questioned whether the housing industry is still supporting the size of the proposed houses.

Comm. Tickey confirmed that lots 14, 15 and 17 have a shared driveway. The driveways for lots 3 and 4 run parallel. There are no other shared driveways. Comm. Tickey questioned the impacts of the storm water run-off. Mr. Swift indicated that calculations are done to determine the amount of run-off and the post development can not be greater than the pre development conditions.

Comm. Kelly asked if there was a difference in run-off between the DRD and the conventional zoning district and Mr. Swift indicated that he did not do that calculation.

Comm. Matto questioned whether it would be feasible to remove the lots as identified in the Conservation Commission letter. Mr. Swift indicated that there have been open conversations on design modifications but he is also weighing the profitability of the project. If a conventional subdivision was developed under today's regulations it would likely be 17 homes. The wetlands were likely developed as this was a working farm and the flow was managed.

Comm. Widowski confirmed that the original conventional 21 home proposal was done informally in the 1980's but was never approved. He also questioned the negative effects raised in the Aquarion Water Company letter. Mr. Swift felt that the latest modifications likely satisfied many of their concerns. Regarding the detention basin, it is on lot 18 and is part of the 1 acre measurement. Mr. Swift indicated that an association would be created to oversee the function and maintenance of the basin. If the project was done as a conventional subdivision, the maintenance would likely be transferred to the City. Comm. Widowski questioned the length of the driveways, the number of garages and parking on the private road. Mr. Swift indicated that the driveways would be 10 to 12 feet long and the houses would not have 3 car garages. The private road will be 24 ft wide with mountable curbing. Comm. Widowski questioned the access to the open space. Mr. Swift indicated that there are trails in the area already with some parking and he would look to see if additional parking could be created. Comm. Widowski questioned whether calculations have been done to determine the tax benefits for DRD vs. conventional and Mr. Swift replied that the calculations had not been done.

With no further questions from the Commission, the hearing was opened to the public.

Tom Emanuel of 387 Waverly Rd. stated that he moved there 18 years ago. He is saddened by the sale and subsequent proposed development. He questioned the impacts on the value of his home, his quality of life and the impact on the environment and the wildlife in the area. He did not think that cluster housing was appropriate for Huntington and he was against the special exception application. He felt this was a toxic zoning variance. There is other farmland in the Huntington area and cluster housing is not favored. He also questioned how the open space would be accessed.

Paul Mathew of 47 Tower Lane has lived there since 1977. He is a past Inland Wetlands Commission chairman. He raised the risks to the wetlands and the problems that can arise from the septic system infiltrations, the application of landscape chemicals and treatments, vehicle fluids etc. There is a financial risk to the homeowners in the region. There is a danger to the Aquarion Water Company water quality. He interpreted the letters from Aquarion Water Company and the Conservation Commission as expressing that they are opposed to the development. He saw no benefits to the homeowners or the City. The DRD only benefits Mr. Paul.

Comm. Harger indicated that the public comments need to speak to the regulations that oversee the zoning in the City. Nowhere in the regulations does it speak to the developer's abilities for financial gain. Mr. Panico concurred. The conventional development of this parcel would bring financial gain as well. The function of the Commission is to direct development that is consistent with the zoning regulations and in doing so is favorable to the City. Comm. Matto noted that the conventional development would satisfy the requirements of the zoning regulations and as such could not be denied. Mr. Panico noted that the City will be obtaining additional open space with the DRD district classification. The plan also has a private road that will not require City maintenance or services. The application will be reviewed to determine the best direction for the City.

Bob May of 30 Tower Lane stated that his questions have been answered.

Myrna Kalakay of 476 Booth Hill Rd questioned how the DRD district was accepted when she did not know anything of it being approved.

Mr. Schultz indicated that it was duly noticed in the CT Post and hearings were held prior to the adoption. There were articles in the Shelton Herald.

Ms. Kalakay stated that her house was built in 1971, ledge was found as well as a shallow water table. She has a raised ranch because of the conditions encountered. The customary tests were done but she has chronic water issues. Curtain drains were installed to manage the water issues. When it rains her area is a pond. She noted that Lot 18 could not sell previously as it is too wet. She is concerned that pollutants will affect her well. She is opposed to the DRD proposal and suggested the conventional zoning would be better. The pipe going under the road brings down water like you would not believe. She moved to the area for acre zoning. She is opposed to the cluster housing.

Don Pendagast of 3 Sorel Drive bought his home in 1955 before there was a Sorel Drive. Things have changed over the years but it is always been an R1 zone. Booth Hill Road is a difficult road as it exists now. He is concerned with the traffic. He indicated that when it rains the culvert across the street is like a pond. There is land across the street that is also farmland. What could be come of that land? He noted that on his deed the parcel was called Booth Hill Estates map 232 and 233, can there be two parcels with the same name? He noted that his children used to skate on the pond.

Donna Bromley of 379 Waverly Road disapproved of the change to ½ acre zoning. She questioned where will all the children in the development go and how will it impact the school

system. Booth Hill School is nearing capacity now. She indicated that when she purchased her home she was told they had to have one acre. She wondered why it had changed.

Mr. Panico indicated that the DRD district is not a change to ½ acre lots. The purpose of the district is to provide flexibility to shift the layout so as to offer the opportunity to create more open space. The DRD district requires that there be 1 acre for each house. The houses are clustered so that the residual land that is left over can be accumulated into a reasonable chunk of open space. It is still the density of one home per 1 acre.

Ms. Bromley argued that she needed 1 acre and she was opposed to the ½ acre design.

Walter Drozik of 12 Wilson Lane stated that he was a former alderman in the 4th ward and has lived there for more than 50 years. He noted that the proposal is designed with a private road that the developer is indicating will not burden the city services. He stressed that it has to be understood that there will likely be at least 34 vehicles traveling from this development each day. Booth Hill Road has not been upgraded over the years. It has been resurfaced but not upgraded. The City has to take into consideration the impacts on the city services. The school is less than ½ mile away. What impacts will result from the number of children from this development. How will the children ride the bus? Will the city have to redistrict?

Jim Capra of 11 Elizabeth Street stated that he is the 4th ward alderman for this district and over the past few months he has received more than 50 calls and emails on this development. He indicated that he chose Huntington because of the country setting. The DRD district is inappropriate for this section of Shelton. The city needs to preserve the farmland and leave this land alone. He opposed the use of the special exception for this development. This will be the first parcel dealing with the DRD district. He indicated that the Planning and Zoning Commission has addressed much new development in the city and it is appreciated. The added businesses and developments have benefited the residents in low tax rates and other benefits. It just did not seem wise to change the zoning in this district. He raised concern for the septic systems. He felt the communication from the Aquarion Water Company should be greatly considered. He raised concerns for the impacts on the watershed and to the private wells in the area. He was in favor of keeping Booth Hill Road with the scenic road as expressed by the developer. He did feel that the City needs to address road improvements to Booth Hill Road and Waverly Road as it is certainly a difficult road to drive in certain conditions.

Gary Thompson of 412 Waverly Road stated that his family has owned his parcel of land since 1942 and his house is across the street from lot 23. He stated that old Mr. Patrick indicated that he envisioned lot 23 as open space. Mr. Patrick's son desires to move forward which he understood. He felt the existing water issues must be considered with any development of this land. He indicated that any excavation will result in a gusher. Nature says that water flows down hill and as such it has to be that there will be water. The entire area is in a flood zone. There is ledge, sledge and underground springs. He is very concerned with the ground water issues in the area. It will be flooding the leaching fields. They will likely have to be replaced every 15 years. He thought the plan was good but just not for this parcel of land. Introducing the public water to the development is a positive effect. He indicated that he concurred with the traffic concerns previously addressed. Booth Hill Road and Waverly Road have not seen improvements. There is no drainage system in the roads. The ditches along the road are two feet deep. He felt the detention basin will be visible from the street and it will be an eyesore. He

noted the steep downhill grade of the property. He questioned whether there would be blasting because of the ledge. He concurred that the schools will be impacted. He felt that this development will be setting a precedent in the city. There is much farmland in Shelton yet to be developed and this could lead the way for further losses of farmland in the city.

Richard and Janice Auddino of 27 Hunters Ridge indicated that their concerns have been expressed.

Andrew Cimino of 330 Waverly Road felt there was much thought and effort in the design but his concern was the water issues. He is concerned with the septic system issues and downhill drainage from this development. His concern is about the future and whether water quality issues will be impacted from the effects of this development.

Helen and Jim Magri of 255 Waverly Road indicated that their questions have been answered.

Bob and Rosemary Janick of 404 Waverly Road were opposed to the development and felt their concerns have been expressed. Ms. Janick thanked the residents for coming out and vocalizing their concerns.

Tom Fuda of 792 Booth Hill Road passed on speaking.

Adrienne Couture of 23 Great Oak Road indicated that over the course of time people buy and people sell and they make money. She sees this proposal differently because this is a developer requesting a downgrade in the zoning so as to make money. She felt the sentiment was appropriate that the only one benefiting is the developer. She noted that Mr. Panico had stated that this is one home for one acre but she did not see that in this proposal. If it was following the R1 zoning there would likely be 17 homes whereas this development with the two applications is presenting with 23. She presented pictures to Mr. Schultz for the commission members to review, pictures of open spaces that have been encroached upon. She felt the odds to be 50% that this open space will be encroached upon by the property owners. Other towns do cite residents who encroach and there are fines applied. She indicated that Shelton does not have that process. Shelton should adopt ordinances to restrict encroachments. She felt the first priority should be to the existing neighborhood to maintain their quality of life. The existing homeowners purchased their homes because of the land around them. She purchased her house about five years ago. She searched and found an old home on an acre. The new homes being built were not what she was seeking and she preferred choosing the older home because it did provide the country setting she was seeking.

Brian Buckholtz of 565 Booth Hill Road stated that he moved from Derby ten years ago because of Derby's greater density. He purchased in the area because of the neighborhood and the schools. Profit is one thing but this is avarice. The potential negative effects on the water quality, on the quality of life, on the impacts to the schools, on the impacts on increased traffic and the net loss in taxes because of the added number of students must be weighed when considering this application. He preferred the standard R1 zoning.

Georgette Neterro of 355 Waverly Road built a house there 13 years ago for the large acreage. She built it for her and her father. She appreciates the land, the trees and wildlife. It is like being on vacation in her own home. She stated that there is a big problem with water. She concurred

with the statements made earlier. She is opposed to the DRD district zoning and encourages the commission to vote NO.

Luke Glendening of 501 Booth Hill Road moved there seven years ago. He is against this proposal for the same reasons presented this evening. He is concerned with the traffic, the existing road conditions, the water quality concerns and the quantity of water that is already a problem. While public water is being introduced to this development, what will happen to the others in the area with wells and what about the watershed itself? He felt the DRD district zoning will have a detrimental effect on the neighborhood.

Joe Taft of 497 Booth Hill Road noted that his driveway will be directly across from this development's private road entrance. He too is concerned with accidents and traffic. His well is in his front yard and he raised concerns for possible contaminations. He questioned how snow removal will be done being that there is no cul-de-sac on the private road, they will likely be pushing the snow out of the development which would then likely be into his property.

Dan DLugos of 12 Twin Brook Road is concerned with the density. He is concerned that the surface water run-off will cause problems. He questioned how the landscaping chemicals and fertilizers will potentially effect the reservoir.

Anna Miller of 424 Waverly Road stated that her questions have been addressed.

John Oberson of 44 Tower Lane stated that he travels the road every day. He encouraged the members to travel the road on a rainy day. There are potholes and patches, there is no curbing and the ditches on the side can be treacherous. The road has not been improved in 40 years. He questioned where there would be parking for the open space access as the area the engineer mentioned is not suitable since Hurricane Sandy. He stressed that there is no room for any parking on Booth Hill Road. The school is 1/8 mile away and he was concerned how the construction is going to impact the school and the neighborhood. The heavy vehicle traffic to put the water line in will definitely be an issue. How will fire and ambulance access the area if there are any vehicles parked on the streets? He stressed that there are a lot on farmlands in the vicinity and this type of housing is not compatible to the area. The infrastructure is not conducive to support this level of development. He felt "R1 or bust."

Comm. Harger mentioned that the road concerns are hopefully being heard by Alderman Capra.

Greg Tetro of 281 Buddington Road indicated that this is about a neighborhood but in a broader sense this is about Shelton. Everything being heard about the DRD district seems to point to this not being a good idea. How can the cluster houses on the 1/2 acre lot sustain the septic system? The R1 zone was defined as 1 acre to support a septic system and a secondary. How can the clustered design be sufficient. Traffic is always an issue in Shelton because we are building and expanding faster than the infrastructure can support. With the developments come the need for additional city services such as fire, police, schools and general services. Are we giving up too much to gain some land. This will be the first DRD district zoning special exception. Will this bring the City down a road that it can not recover from long term?

Dennis Amtunes of 520 Booth Hill Road indicated that his questioned were answered.

Doreen Laucella of 568 Booth Hill Road stated that she owns a construction company and is a builder and land developer. She is familiar with Mr. Paul and Mr. Swift and indicated favorably. She grew up in the area. There is no reason for this development to not have a public road. There should be 1 acre zoning there. She is well aware of the water issues raised this evening. She indicated that the houses in the development will be impacted by the water issues. The sheet flow will effect the houses and all the land down hill including the reservoir. The watershed and the flora and fauna in the area will be greatly effected. Certainly a developer has the right to develop but it would benefit them and the City to create quality projects not necessary greater quantity projects. She raised issue with private roads. They generally are maintained by the association created with the development. They collect fees to perform the necessary maintenance and repairs but will they properly maintain the road, the detention basin, the culverts and drainage system as designed. Will they properly remove snow and sweep the road. Will the basin be properly maintained? Will it be properly cut and cleared to support the design capacity and to be sure that it does not become an eyesore. The development in the cluster will be utilizing all of the surrounding land of each home for the septic system and reserve leaving the home owner no opportunity for additions such as decks, pools, accessory buildings. She opposed the DRD district zoning.

M. Sergy of 415 Booth Hill Road indicated that he was all set.

Jennifer Martin of 459 Booth Hill Road indicated that she born and grew up in this area and she raised concerns for the future integrity of the private wells. She felt this development does not fit in with the character of the road. She was opposed to the DRD district zoning.

Paul Vlodek of 401 Booth Hill Road indicated that he was all set.

Dolores Luciano of 409 Booth Hill Road was concerned with the traffic. There are numerous accidents. She felt the road can not support the density being proposed. It is a dangerous road with curves and blind corners.

Douglas Thompson 412 Waverly Road stated that his mailbox is right in front of lot 23. There is a telephone pole opposite there where there are a number of accidents each year. His house was built in 1942 and is built on ledge. He has four sump pumps going in his house right now. With heavy rains he has seen up to 14 inches of water in his basement. He does not know how adding 23 houses is going to improve the area. Right now Huntington is still recognizable. He stated that when you develop an area there is no going back. While he understands there will be development he stressed it had to be done carefully. He was opposed to the DRD district.

A letter from Tracy J. Noga of 20 Twin Brook Drive, Shelton, CT 06484 dated May 14, 2018 was read into the record.

Board Members:

My family has owned 20 Twin Brook Drive since 1969. We have enjoyed the neighborhood and its consistent zoning during that duration. We, along with the entire neighborhood as far as we can determine, are distraught to discover there is an application to waiver to those rules.

This is a substantial waiver of existing rules and the potential detriments to the neighborhood are numerous. They include but are not limited to: increased traffic, housing on top of each other, threat to watershed, destruction of open space and change of the landscape. The open space proposed by the

developer is a pathetic attempt to pacify the slap-in-the-face to the current acre zoning policy. The open space will in fact disappear over time and not make up for properly preserving the zoning requirements in the first place. Additionally, the proposed increased housing will be an exponentially larger threat to watershed than the threat that exists under the existing zoning rules.

I have been searching for any benefits to the community this proposed development would provide. The only one I can determine is to the pocket of the developer. There will be a marginal increase to the tax base of the City, over what the tax base would be for not altering the zoning. The quantifiable monetary benefit does not outweigh the unquantifiable implicit costs of what will be destroyed. A significant portion of the City's constituency would be disappointed if this board did not see past the short-sightedness of approving the development for short term economic gain.

John Paul Development, LLC will profit substantially from developing the site under existing rules. Furthermore, the City of Shelton will benefit from the increased tax rolls. Neither party's increased profit from changing the zoning will outweigh the risk and harm to neighboring parties. Unfortunately I will not be able to attend the May 23rd hearing in person due to previously schedule business travel. Please use this as a record of my opposition. I respectfully request you do not grant this zoning waiver request.

Sincerely,
Tracy Noga

Comm. Harger advised the applicant that the Commission would like to continue the public hearing until June 12, 2018 with the understanding that the public portion is closed and the public hearing continuation would be for hearing correspondence from the Fire Chief, and possibly Aquarion and comments from the applicant and his engineer and any other closing remarks. Mr. Swift was agreeable.

On a motion made by Comm. Pogoda, seconded by Comm. Kelly it was voted to continue the public hearing for Application 18-05 until June 12, 2018 with the understanding that the public portion is closed and the public hearing continuation would be for hearing correspondence from the Fire Chief, and possibly Aquarion and comments from the applicant and his engineer and any other closing remarks. . Roll call vote passes unanimously.

B. **Application #18-07**, Manuel Moutinho for Initial Development Concept Plan and PDD Zone Change approval (retail shopping center), 6 Todd Road (Map 77, Lot 25), OP District

The public hearing was started at 10:07 pm with the reading of the legal notice.

The legal notice published in the Connecticut Post for May 23, 2018 reads "The Shelton Planning and Zoning Commission notice of a public hearing to be held on Wednesday, May 23, 2018 at 7:00 P.M. **Application #18-07**, on condition of Joe Guerra of Joe Guerra LLC on behalf of Manuel Moutinho for approval of Initial Concept Development Plans, Final Site Development Plans and adoption of a Planned Development District PDD Zone Change encompassing an area of approximately 1.1 acres on property located at 6 Todd Road and identified as assessor's map 77, lot 25 and the said PDD proposal is generally bound and described as follows: Northerly by Platt Road of 170 feet more or less; Easterly by property of Neet Equity LLC in a distance of 274

feet more or less; Southerly by property of Eric Iyr and Thomas Cribbins in a distance of 189 feet more or less; Westerly by Todd Road in a distance of 301 feet more or less. The final site development plans depicting the final design are shown on drawings entitled Proposed Site Development Plans 6 Todd Road prepared by Guerra Engineering LLC Civil and Land Surveying dated March 2, 2018 and (unclear) Associates, Architects and Landscaping dated 5/1/15 along with the submission of statement of use and standards. The intent of the PDD is to accommodate the construction of a one-story 10,170 sq. ft commercial building with on-site parking and loading. This site is currently zoned office park district within the SDA overlay zone and is served by the municipal sanitary sewers and public water. Said petition has special exception on file in the City Town Clerk's office and in the Planning and Zoning office. At said hearing all persons have the right to be heard and written communications will be received.

Correspondences were submitted for the record.

Robert F Kulacz, P.E., Office of the City Engineer dated May 11, 2018 (attached # 5)

James Tortora, Fire Marshall, email sent Wednesday, May 23, 2018 (attached # 6)

Due to the lateness of the hour, the applicant was agreeable to continuing the application to the June 12th meeting.

On a motion made by Comm. Pogoda, seconded by Comm. Matto it was voted to continue the public hearing for Application 18-05 until June 12, 2018 due to the lateness of the hour. Roll call vote passes unanimously.

IV. Other Business (returned to agenda item)

A. **Application #18-02**: Petition of Ricar, LLC and Mianus Holding, LLC to Modify PDD #66 : legal opinion by Corporation Counsel

Comm. Harger read into the record the letter from Corporation Counsel Francis A Teodosio dated May 23, 2018 (attached #7). As stated in the letter, it is his opinion "that the action of the SPZC was valid and effective to close the public hearing. Further and more importantly, the commission cannot now reverse that action."

VI. Old Business

A. **Application #18-01**, Perry Pettas for Modification of PDD #65 including basic Development Plans, Development Plans, and Statement of Uses and Standards (Riverwalk Place: 25 apartment units and retail) 356-368 Howe Avenue, (Map 117B, Lots 58, 60 and 62) (public hearing closed on 2/28/18)

Mr. Panico read the draft resolution for application #18-01 into the record (attached #8)

On a motion made by Comm. Tickey, seconded by Comm. Matto it was voted by the Shelton Planning and Zoning Commission, in accordance with the provisions of Section 34, hereby approve with conditions the subject Modified Detailed Development Plans and Amended Statement of Uses and Standards subject to the conditions and adjustments in

the resolution for Application #18-01 Petition of Perry Pettas with an effective date on Friday, June 29, 2018 at 8:00 am. . Roll call vote passes with Comm. Widowski opposed.

ROLL CALL:

Virginia Harger	aye
Anthony Pogoda	aye
Elaine Matto	aye
Jimmy Tickey	aye
Charles Kelly	aye
Mark Widowski	nay

Comm. Widowski indicated that the parking details appeared insufficient for the number of apartments but it does appear to satisfy the regulations. Comm. Tickey indicated that the lighting details must be observed. Mr. Panico noted as per the stipulations that there is much to be reviewed and resolved as this project goes forward.

B. **Application #18-02**, Dominick Thomas on behalf of Ricar, LLC and Mianus Holding, LLC for Modification of PDD #66 including Initial Concept Development Plans and Statement of Uses and Standards (98 unit multi-family, restaurant, clubhouse, maintenance building and marina), 704, 712, 722 River Road, (Map 22, Lot 1 and Map 32, Lots 16 and 17) (public hearing closed on 4/25/18)

Mr. Schultz indicated that this would be the time for deliberations and the Commission has the options to table, to deny without prejudice or take other action. The applicant was present earlier in the meeting but has left due to the lateness of the hour.

Comm. Matto stated that she appreciated the changes that were made during discussions. A restaurant was added and public access was added. There were discussions as to the landscaping and the potential run off into the river that required additional discussion. The sanitary sewer connection is a problem.

Comm. Kelly indicated that the Stratford sewer connection is a problem. The plans detailed a sump pump but it was unclear as to the alternative power and the potential spillover was not addressed.

Comm. Matto felt that if the sewer connection with Stratford can not be resolved in a timely fashion, would there be a need to return with further changes?

Mr. Panico suggested that the key is the vagueness in the handling of the sewage discharge. Stratford's delays are a hardship as there is no timeline when the City would entertain and take action on this application.

Comm. Widowski noted that the Stratford Water Pollution Control Authority minutes speak to possible development in that part of town (Ryder's Landing) and the question would arise whether the system had the necessary capacity for all the new development.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was voted by the Shelton Planning and Zoning Commission, to deny without prejudice Application #18-02

Dominick Thomas on behalf of Ricar, LLC and Mianus Holding, LLC citing the Commission not having an answer on the critical information of the sanitary sewage treatment. Absent that information it was impractical to move forward with further discussion on the merits of the submission. Roll call vote passes unanimously.

ROLL CALL:

Virginia Harger aye
Anthony Pogoda aye
Elaine Matto aye
Jimmy Tickey aye
Charles Kelly aye
Mark Widomski aye

VII. Applications for Certificate of Zoning Compliance

1. 2432 – Archer Signs, 100 Commerce Drive – signs

On a motion made by Comm. Matto, seconded by Comm. Tickey it was unanimously voted to table application 2432 until the June 12, 2018 meeting.

2. 2504 – R. D. Scinto, 110 Commerce Drive -business

The request is for the relocation of the Hunan Pan to this location. It will be on the bottom right corner of the lower level – 2,762 sq ft. Hours of operation will be Monday through Thursday from 11 am to 10 pm, Friday and Saturday from 11 am to 11 pm and Sunday from 11 am to 10 pm. There is no signage request at this time.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to approve application 2504 for the business occupancy.

VIII. Adjournment

On a motion made by Comm. Kelly, seconded by Comm. Pogoda it was unanimously voted to adjourn the meeting at 10:56 p.m.

Submitted by:

**Karen Kemmesies
Recording Secretary**

Attachments

- #1 – Aquarion Water Company dated 3/6/2018
- #2 - Robert F. Kulacz, PE , City Engineer dated May 11, 2018
- #3 - Laurel Shaw, Registered Sanitarian - Naugatuck Valley Health District dated March 6, 2018
- #4 – Thomas Harbinson, Chairman Shelton Conservation Commission dated March 21, 2018
- # 5 - Robert F Kulacz, P.E., Office of the City Engineer dated May 11, 2018
- #6 - James Tortora, Fire Marshall, email sent Wednesday, May 23, 2018
- #7 - Corporation Counsel Francis A Teodosio letter dated May 23, 2018
- #8 - draft resolution for application #18-01 Perry Pettas