SHELTON PLANNING AND ZONING COMMISSION
SPECIAL PDD MEETING MINUTES
Tuesday, February 19, 2019
Shelton City Hall, Room 104
54 Hill Street, Shelton, CT 06484

PZC Commissioners Present: Virginia Harger, Chairman
                                 Anthony Pogoda, Vice-Chairman (Via Telephone)
                                 Elaine Matto, Secretary
                                 Jimmy Tickey
                                 Charles Kelly
                                 Mark Widomski
                                 Ned Miller, Alternate (Absent)
                                 Nancy Dickal, Alternate

Also Present: Kenneth Nappi, Provisional, Planning and
             Zoning Administrator
             Anthony Panico, Consultant (Via Telephone)
             Sarah Vournazos, Recording Secretary

Tapes, correspondences, and attachments are on file in the City/Town Clerk’s office
and the Planning and Zoning office. Minutes are on the City of Shelton website:
www.cityofshelton.org.

I. Call to Order
   Comm. Harger called the meeting to order at 7:05 p.m.

II. Pledge of Allegiance
    All those present rose and recited the Pledge of Allegiance.

III. Roll Call
     Chairman Harger identified members present.

IV. New Business

   A. Planned Development Districts: Continued General Discussion, Planned
      Development Districts and Related Planning and Zoning Regulations.

      Comm. Harger indicated that the PZC should continue their discussion about
      the proposal to change the regulations regarding PDDs and she asked Comm. Widomski to
      provide his thoughts behind the separate sections of his written document.

      Comm. Widomski said he went line by line, section by section of PDDs and he came up
      with some suggestions. For example, in Section 34.1 – Intent, he would like to remove
the section pertaining to the Moss property because he feels it is too early to include it in a PDD – "putting the cart before the horse". Comm. Tickey said he recalls the Board of Aldermen giving the Mayor the authority to look into the development of the Moss property. He would like this PZC to remain involved with the development of this critical piece of land. Comm. Harger mentioned that the SDA (Special Development Area) includes the downtown area, the coastal area, Pine Rock park and other portions of River Road, giving boundaries of what those SDA areas are. Kenneth Nappi believes the mix-up is that it is not a PDD but an SDA of which a PDD can be a part of. Mr. Panico said he is anticipating a specific supplementary zoning map that shows the precise occupant of the area so there is no question about what the limits of them are.

Comm. Widomski inquired about the Bridgeport Avenue corridor and/or Route 8 corridor and Comm. Harger said that Bridgeport Avenue was part of Route 8 at one time. Comm. Widomski asked “what constitutes that corner? Is Long Hill Avenue part of the Bridgeport Avenue / Route 8 corridor – across from Sylvan Avenue area?” Comm. Harger indicated that she will make a note to refer to the map that Mr. Panico previously mentioned and directed Kenneth Nappi to locate it. Once located, then at that point, they can evaluate whether or not there will be any adjustment.

Comm. Widomski inquired about the wording of the Building Height noted in Section 34.3.5 (maintain 5-story, 60 feet). Mr. Panico said that it currently is written as 60 feet and Comm. Kelly stated that the height of the building is from grade level up, saying, “60 feet is 60 feet.” Comm. Harger reiterated that Comm. Widomski wants to be sure the height of the building includes any parking levels from the sidewalk level and above. Comm. Widomski concurred and added especially on Bridgeport Avenue but an exception with the downtown area. Kenneth Nappi explained that the regulation says as long as the density of the building is not affected which allows for parking but not to have apartments exceed 60 feet. Comm. Matto mentioned that there is a regulation which says that the first level should be commercial space.

Comm. Harger directed the Commissioners to discuss Section 34.3.7 and Mr. Panico mentioned some background information. He noted that they rewrote the sign regulations a few years ago. They also worked very closely with Corporation Counsel who made it very clear that the Statute allows only for the regulation of numbers, lines and location but not the content of the sign. Mr. Panico said he feels it would be a mistake to step back and to use the city-wide standards instead of the PDD sign controls and Comm. Widomski agreed.

Section 34.4 – Informal Consideration. Comm. Widomski said since they spend a lot of time discussing plans, he would like them shortened and would like it to be in writing. Mr. Panico said that when you make that “informal consideration” mandatory, it can be interpreted as being part of the application process. Comm. Widomski replied that Section 34.4 states that whatever the PZC discusses is “non-binding”. Comm. Widomski said there were work sessions before and Comm. Tickey said to be “mindful” about loading their Agendas. Kenneth Nappi mentioned that there is Staff input, needing to work with the Applicant prior to the Commissions’ involvement. He also noted there
currently are “technical sessions.” The PZC noted that they will continue to further discuss this at a later date.

Section 34.5 – Check-off Sheet. Comm. Harger noted that Comm. Widomski’s recommendation is that no application should be accepted by Staff without the Check-off sheet being completed. She then inquired about the Commissions’ thoughts regarding the Check-off sheet then being submitted to six other offices. Comm. Widomski explained that he would like the six offices to be aware of happenings since he has heard about their displeasure. For instance, the Parks and Rec Department is a land use commission and would like to know things ahead of time. He noted that it should be an Administrative process, Kenneth Nappi concurred and Comm. Harger would like this to be Staff’s responsibility.

The Commissioners then discussed sewer availability. Kenneth Nappi said that the applicant makes inquiries about sewers when requesting a PDD. Comm. Matto reiterated that they will not be able to build if they do not obtain sewer approval. Comm. Widomski mentioned the Stratford project and Kenneth Nappi said Stratford approved that project to go forward based on the preliminary design, saying it can handle the sewage flow from that project. He also stated that one of the questions in the “technical session” is sewer availability. Ken said he will speak with the Sewer Department and see how they wish to proceed.

Mr. Panico stated that the regulations should be drafted as a concept plan and not a site plan and yet it is not being accepted because Comm. Widomski wants it in an Inland Wetlands application. Comm. Widomski mentioned the Shelter Ridge project which was given a PDD but did not go to Inland Wetlands Commission and he asked “when is it a site plan?” and “how do you do a zone change before you get to a site plan; it’s backwards”? Comm. Widomski reiterated he would like to have a plan submitted to make sure they have everything they need first before having numerous meetings.

Comm. Harger proceeded with Section 34.7 – Public Hearings. Mr. Panico mentioned that an Administrative procedure could be added and noted that the public can speak. Comm. Widomski thought that Greg Tetro had the right to speak at the last hearing when he was denied and Comm. Harger apologized on behalf of the Commission.

Mr. Panico conveyed that there is a lapse of time between when the Public Hearing is closed and when the zone change was actually taken. He then stated that one can make the argument of “contract zoning” if the applicant is not getting the zone change until the final site plans. Comm. Widomski referenced State law no. 8-3 G1 and asked his question again, “how do you give a PDD zone change under a conceptual plan before a final site plan that goes to Inland Wetlands”? Comm. Matto replied that no one would ever develop if they had to have a final site plan in order to get an approval for a PDD. She also said that the problem with the Statute is its wording of what is a site plan vs. what is a concept plan. Kenneth Nappi then explained the process upon the approval of a site plan.
Comm. Kelly then discussed the Shelter Ridge project. Even though a PDD was approved, Comm. Kelly asked “if Inland Wetlands says they cannot build, does the zone change revert back to what it was or does the PDD stay as is”? Mr. Panico stated that the Applicant would have to have a Public Hearing or a Major Modification to their development plan. Comm. Widomski said, “if a site plan application involves an activity regulated pursuant to the Wetlands e.g. Shelter Ridge, the applicant shall submit an application for a permit to the agency responsible for the administration of Inland Wetlands not later than the day such application is filed with the Zoning Commission”. The Commissioners then informed Comm. Widomski that the procedure is currently in their regulations. Kenneth Nappi further explained that the regulation says “the final site plan approval has to be within 6 months of the zoning approval of the PDD area” and he will refer this to Corporation Counsel for their review.

Comm. Harger requested that Comm. Widomski clarify his sentence about modifications, “these modifications have in the past and currently change original, conceptual plans significantly” and “this change to the process was made and advised that it was needed by the applicant to get funding for their project.” Comm. Widomski said that in order for the developer to get proper funding, he needs to have a zone change. However, the PZC will further discuss this at a later time once Comm. Widomski provides the specifics to them as per Comm. Harger’s request.

Comm. Harger proceeded with Section 34.11 – Bonds. She requested that Comm. Widomski further clarify his meaning of the Architectural Completion Bond. Kenneth Nappi inquired if there is a requirement that the applicant submit renderings for a final site plan if the PZC would like them to do so and Mr. Panico said “yes”. Comm. Widomski conveyed that he would like something in writing to safeguard the city of Shelton and its residents before their bond is released. Mr. Panico said they should release the bond upon completion and in accordance with the plans.

The PZC scheduled their next Special PDD Meeting to be held on Tuesday, March 19, 2019.

V. Adjournment

Motion made by Comm. Widomski to adjourn, seconded by Comm. Matto. On a voice vote, the PZC unanimously voted to adjourn at 8:44 p.m.

Respectfully submitted,

Sarah Vournazos
Recording Secretary