

SHELTON PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
Tuesday, December 10, 2019  
Shelton City Hall Auditorium  
54 Hill Street, Shelton, CT 06484

**TRANSCRIBED, BUT NOT YET  
REVIEWED OR APPROVED BY SPZC**

PZC Commissioners Present: Virginia Harger, Chairman  
Anthony Pogoda, Vice-Chairman  
Elaine Matto, Secretary  
Jimmy Tickey  
Charles Kelly  
Mark Widomski  
Peter Laskos, Alternate  
John Uysal, Alternate

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Also Present: Kenneth Nappi, Provisional Planning and  
Zoning Administrator  
Anthony Panico, Consultant (via telephone)  
Alexander Rossetti, PZC Assistant  
Josh O'Neill, PZC Assistant  
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](http://www.cityofshelton.org).

I. Call to Order

Comm. Harger called the meeting to order at 7:00 p.m.

II. Pledge of Allegiance

All those who were present rose and recited the Pledge of Allegiance.

III. Roll Call

Comm. Harger identified members present.

Add On

Motion made by Comm. Pogoda, seconded by Comm. Kelly, to add Number 9, Item E, Bond Release for Booth Hill Estates on Emily Lane for a reduction of \$619,000 performance bond to \$80,000. On a voice vote, the PZC voted unanimously to approve the motion.

IV. Organizational Meeting

A. Election of Officers

*Signature of Virginia Harger*  
2019 DEC - 17 A 2:19  
CITY OF SHELTON  
TOWN CLERK

i. Chairperson

Motion made by Comm. Pogoda, seconded by Comm. Kelly, to nominate Virginia Harger for Chairperson. On a voice vote, the PZC voted unanimously to approve the motion.

Motion made by Comm. Pogoda, seconded by Comm. Matto, to close the nomination of Virginia Harger for Chairperson. On a roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Widomski – Aye	Comm. Kelly – Aye	Comm. Pogoda – Aye
Comm. Matto – Aye	Comm. Tickey – Aye	Comm. Harger – Aye

The motion passed 6 to 0.

ii. Vice Chairperson

Motion made by Comm. Widomski, seconded by Comm. Harger, to nominate Anthony Pogoda for Vice Chairperson. On a voice vote, the PZC voted unanimously to approve the motion.

Motion made by Comm. Matto, seconded by Comm. Widomski, to close the nomination of Anthony Pogoda for Vice Chairperson. On a roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Tickey – Aye	Comm. Matto – Aye	Comm. Pogoda – Aye
Comm. Kelly – Aye	Comm. Widomski – Aye	Comm. Harger – Aye

The motion passed 6 to 0.

iii. Secretary

Motion made by Comm. Tickey, seconded by Comm. Kelly, to nominate Elaine Matto for Secretary. On a voice vote, the PZC voted unanimously to approve the motion.

Motion made by Comm. Pogoda, seconded by Comm. Kelly, to close the nomination of Elaine Matto for Secretary. On a roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Pogoda – Aye	Comm. Kelly – Aye	Comm. Widomski – Aye
Comm. Matto – Aye	Comm. Tickey – Aye	Comm. Harger – Aye

The motion passed 6 to 0.

V. Applications for Certificate of Zoning Compliance

1. Application #4026: Brian Hayes, 330 Bridgeport Avenue for a sign.

Mr. Nappi indicated the applicant is working on a new sketch to submit to the PZC at a later date.

Motion made by Comm. Kelly, seconded by Comm. Widomski, to table the sign for Appl. #4026. On a voice vote, the PZC voted unanimously to approve the motion.

2. Application #4093: Laurean Vasquez-Limauro, 57 Bridge Street, for a sign. Mr. O'Neill indicated this is for a hanging sign on the side of the building, a decal on the window and the name of the business in the door for a total of three different signs. Ms. Vasquez-Limauro then identified herself. Mr. Nappi suggested that the street address should be placed on the sign and Ms. Vasquez-Limauro will meet with staff at a later date.

Motion made by Comm. Tickey, seconded by Comm. Kelly, to approve the sign for Appl. #4093. On a voice vote, the PZC voted unanimously to approve the motion.

3. Application #4069: Dave Melanson, 30 Blueberry Lane, for an in-law. Mr. O'Neill mentioned they are waiting to receive an affidavit and architectural drawings from the applicant. Comm. Harger reiterated the Commissioners would like to see exterior drawings as well.

Motion made by Comm. Pogoda, seconded by Comm. Tickey, to table the in-law for Appl. #4069. On a voice vote, the PZC voted unanimously to approve the motion.

4. Application #4086: Spotted Horse Shelton LLC, 100 Commerce Drive, for a temporary vestibule. Peter Mennona and Mark Murphy identified themselves and apologized for their previously installed temporary vestibule. Comm. Harger noted that the Planned Development Districts are highly regulated and "things look a certain way." However, the PZC mentioned the applicants could have an interior vestibule instead.

Motion made by Comm. Kelly, seconded by Comm. Widomski, to approve the withdrawal of Appl. #4086. On a voice vote, the PZC voted unanimously to approve the motion.

5. Application #4048: Jill Stockmal and Dave Barnett, 371 Leavenworth Road, for a private shooting range. Mr. Nappi indicated that staff met with the property owners, Conservation staff and DEEP and is waiting for the DEEP to contact the property owners regarding their final decision. He mentioned the letters from Ms. Gallagher and Attorney Tyma indicating that it is not a permitted use. Comm. Harger conveyed her concerns about noise, the proximity of this property to Monroe, and incidents of stray bullets on the trail.

Motion made by Comm. Pogoda, seconded by Comm. Kelly, to table the private shooting range for Appl. #4048. On a voice vote, the PZC voted unanimously to approve the motion.

## VI. Old Business

A. Application #19-24, 502 Howe Ave., LLC, at 502 Howe Ave. on .70 acres in a CA-3 zone, applying for a Planned Development District with banking services, a coffee shop, on-site parking and 56 market-rate rental residential units above. Review, discuss, resolution and possible action.

Secretary Matto read aloud the resolution regarding Appl. #19-24 (see attached).

Motion made by Comm. Pogoda, seconded by Comm. Tickey, to move the resolution for Appl. #19-24. On a roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Widomski – Aye	Comm. Kelly – Aye	Comm. Tickey – Aye
Comm. Matto – Aye	Comm. Pogoda – Aye	Comm. Harger – Aye

The motion passed 6 to 0.

Mr. Nappi indicated that Mr. Rossetti is preparing the specifications of the street scape to be uniform, which includes the brick work, lightning, tree plantings and grading. In addition, Comm. Widomski suggested that the applicant meet with the SEDC and Mayor Lauretti to “do something to entice more professional offices to come into the downtown. It would help increase foot traffic downtown and help to rebuild our downtown.” Mr. Panico said, “if the market demands it there, we will certainly accommodate it.”

B. Application #19-06, “Day Break Ridge” Key Development, LLC., 85-97 River Road, petition for Special Exception approval in an R-3 Zone, for a nine building, 36-unit condo development encompassing an area of 12.39 acres. Review, discuss, resolution and possible action.

Secretary Matto read aloud the resolution regarding Appl. #19-06 (see attached).

Motion made by Comm. Pogoda, seconded by Comm. Kelly, to move the resolution for Appl. #19-06. On a roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Widomski – Aye	Comm. Kelly – Aye	Comm. Pogoda – Aye
Comm. Matto – Aye	Comm. Tickey – Nay	Comm. Harger – Aye

The motion passed 5 to 1 with Comm. Tickey opposing.

Comm. Harger noted item numbers 8, 9 and 10 in the resolution have specific concerns and she would like the Commissioners to pay close attention to them. Mr. Panico then clarified that in order for the applicant to fulfill his obligations he needs to answer all of the Commissions’ questions and concerns.

## VII. New Business

A. Application #19-26, City of Shelton, at 260-248 Howe Avenue, petitions for a three-lot

zone change from CB-2 to R-3 incorporating an area of .45 acres. Accept, review and set public hearing.

Mr. Rossetti indicated that their regulations allow them to extend the zoning into a piece of property. He noted that they are proposing to change the three-parcel sector into R-3 zoning in order to have continuous zoning in an area and to bring the pre-existing non-conforming structures into compliance with the city's regulations.

Motion made by Comm. Widomski, seconded by Comm. Pogoda, to accept Appl. #19-26 for review and set a public hearing date on January 29, 2020. On a voice vote, the PZC voted unanimously to approve the motion.

VIII. Public Portion: Anyone wishing to address the Commission on any item, not on the agenda.

Mr. Leo Sands, a Shelton resident for over 42 years, spoke to the Commissioners about Application #19-13: "Huntington Village," Huntington Village LLC., 16 Ripton Road, originally proposed for 84 units but approved for 16 homes. He voiced his displeasure about their meetings "behind closed doors" and their overall approval for Appl. #19-13.

Mr. Sands then expressed his discontentment about the PZC agendas and meeting minutes not being up-to-date on the website. Comm. Harger assured him that they are meeting the requirements of the state statutes that the motions and minutes are filed with the town clerk's office accordingly.

Motion made by Comm. Widomski, seconded by Comm. Pogoda, to close the public portion. On a voice vote, the PZC voted unanimously to approve the motion.

#### IX. Other Business

##### A. Comments from PZC Chairman and Subcommittee Chairman.

Comm. Harger stated she is looking forward to working with her fellow Commissioners and thanked them for their dedication. She also thanked Mr. Nappi about his enforcement protocols as well. She then congratulated Comm. Tickey regarding his new role with Congressman Jim Himes.

Comm. Kelly mentioned there is a downtown subcommittee meeting on Friday, December 13, 2019 at 9:00 a.m.

##### B. Staff Comments

Mr. Nappi informed the Commissioners regarding Sperry Rail and happily reported that the area "is completely cleaned up." Comm. Pogoda requested if staff could check into the dumpsters and whether they are temporary or permanent.

Mr. Nappi discussed his enforcement protocols especially regarding trash receptacles. He mentioned they sent over 25 letters to the owners notifying their regulations and will

submit notices if in violation. He stated he will follow-up with Russell Speeder Car Wash regarding the lowering of the height of the vacuum cleaners.

**C. Approval of Minutes**

- i. October 8, 2019 – Regular Meeting
- ii. October 23, 2019 – Special Meeting

Motion made by Comm. Pogoda, seconded by Comm. Kelly, to approve the PZC regular meeting minutes of October 8, 2019. On a voice vote, the PZC voted unanimously to approve the motion.

Motion made by Comm. Pogoda, seconded by Comm. Kelly, to approve the PZC special meeting minutes of October 23, 2019. On a voice vote, the PZC voted unanimously to approve the motion.

**D. Distribution of Minutes and Motions**

- i. November 12, 2019 – Regular Meeting

E. Bond Release - Booth Hill Estates – Emily Lane. Bond Release for Booth Hill Estates on Emily Lane for a reduction of \$619,000 performance bond to \$80,000.

Mr. Nappi read aloud the letter from the city engineer addressed to the PZC.

Motion made by Comm. Pogoda, seconded by Comm. Matto, to approve the reduction of the performance bond from \$619,000 to \$80,000. On a voice vote, the PZC voted unanimously to approve the motion.

**X. Adjournment**

Motion made by Comm. Pogoda, seconded by Comm. Matto, to adjourn at 9:05 p.m. On a voice vote, the PZC unanimously voted to approve the motion.

Respectfully submitted,

Sarah Vournazos,

#19-06

**SHELTON PLANNING AND ZONING COMMISSION**

Nov. 19, 2019 (For Discussion by Commission at meeting of 12/10/2019)

**RE:** Application #19-06 Key Development, LLC for Approval of a Special Exception and Site Plan Approval for development of a 36 unit residential townhouse development at 85 River Road (Conn. Rte.#110) in a Residence R-3 District.

The Applicant proposes to construct a residential condominium development of 36 attached townhouse units, reduced to 34 units, in a cluster of buildings on a 12.39 acre site at 85 River Road in a Residence R-3 District. All units will have one or two car attached garages plus apron parking spaces as well as 36 additional parking spaces for residents and visitors, distributed throughout the site. A total of 80 eligible spaces are provided in addition to “bonus” spaces in the form of tandem garage spaces and the garage apron spaces. The proposed use is a permitted use in the Residence R-3 District subject to the approval of a Special Exception under the provisions of Section 33 of the Shelton Zoning Regulations. Accordingly, as required by the Regulations, the Application was presented at a duly noticed public hearing commencing on February 27, 2019, which hearing was continued to March 27, 2019 to allow the submission of a requested traffic study and other referral reports as well as plan revisions in response to initial Commission concerns. The hearing was further continued, with time extensions requested/granted by the applicant, to June 26, 2019 to prepare additional design modifications and anticipated rock excavation information. After discussions, a final extension was granted and the hearing continued on July 31, 2019 to review and discuss further design modifications and changes, after which the public hearing was officially closed. During the public hearing phase, the only public comments offered were from 6 or 7 residents who expressed opposition, with concerns relative to traffic impacts on River Road (Ct. Rte. 110), potential school burden, wildlife impact, loss of trees and vegetation, mailbox location, wetlands impacts, the reported existence of a Bald Eagle nest on the property and the absence of any benefits to the City of Shelton.

After further ongoing Commission and Staff review and discussion of the proposal, the Commission offers the following findings:

1. The 12.39 acre site is comprised of an assembly of three (3) parcels with a total frontage of approximately 190 feet on River Road and is substantially vacant except for an older house to be demolished. The site is characterized by variable to steep topography, rising in elevation some 150 feet from the entry drive on River Road to the highest point of the site, with wetlands and watercourses bisecting the westerly portion of the site, and with areas of less severe topography. Potential allowable development density is determined by an analysis of usable site area after deducting steep slopes in excess of 25% as well as wetlands, and based upon the zoning standard requiring 7,500 square feet of usable lot area per dwelling unit. The applicant proposes to grade and prepare a limited area of the site, in proximity to River Road, to accommodate the proposal while the balance of the site will be preserved in its natural state and protected by a conservation easement. The proposed wording of said easement as furnished by the applicants been approved by the City's Corporation Counsel and recommended by the Conservation Commission. Upon finalization of site plans, the specific limits of the proposed conservation easement shall be delineated on the landscape plan or other appropriate site plan drawing. It is estimated that approximately 25% of the site will be disturbed for development.
2. Preparation of the site area for proposed development will necessitate regrading and significant rock cuts, in one area of as much as 50 to 55 feet. Preliminary analysis indicates most of this will consist of ledge rock. The applicant's engineer anticipates this rock will be metamorphic rock, typical of that found in the immediate vicinity of the site. Such rock is very hard and weathers well. Nevertheless, rock faces are proposed to be "benched" approximately every 10 feet in height, and a ditch is proposed at the toe of the rock slope in combination with a two foot berm for drainage control and as catchment area for potential falling rock. Details have been incorporated into the development plans. All proposed blasting must be conducted in conformity with State regulations as well as the standards and requirements of the City's Blasting Ordinance and the



requirements of the Fire Marshall's Office. Pre-blast surveys should be required for all structures within 300 to 400 feet of the blast site. Specifics of any blasting program and procedures, including bonding and insurance requirements, must be approved by the Commission prior to commencement of blasting activity.

3. Regarding the reported existence of a Bald Eagle's nest on the property, Staff has been in contact with the City's Natural Resources Manager/Conservation Commission as well as the Wildlife Biologist of ConnDEEP and confirmed that a nest exists on the site. It has been determined that the nest is located southwesterly area of the site in what is proposed as the conservation area. Limits of site disturbance for the proposed construction are at least 225 feet down-slope of the nest. The concern is about blasting activity during the sensitive time of the breeding season. The Conservation Commission has recommended there be no blasting activity during this sensitive time between mid-February and mid-April. The ConnDEEP has also confirmed that this is a local issue and they can only provide biological information and advice.
4. Multi-family use is a permitted use in the Residence R-3 zone subject to approval of a Special Exception and compliance with the Special Standards of Par. 33.6 Multi-Family Residential Developments. If the conditions set forth in the Regulations are satisfied, the approval must be granted. The area of the site proposed to be excavated and regraded is separated from River Road by several single family residential structures and the access drive has a commercial development on the opposite side of River Road. Abutting the northerly property line is another residential dwelling while south and west of the regraded area is the remainder of the site and will be protected by the proposed conservation easement.
5. The applicant has submitted a traffic impact statement prepared by Tighe & Bond, engineers, dated March 19, 2019 who concluded that the additional traffic generated by the proposed townhouse development is not expected to have a significant impact on traffic operations along River Road and that the state highway is adequate to

accommodate proposed traffic generation with sufficient sight distances in each direction. Dwelling units will be served by the Shelton municipal sanitary sewer system, connecting to a municipal sewer line in River Road and application to the WPCA was approved on March 13, 2019. Water service is also available at the site frontage and all utility lines will be located underground.

6. To accommodate proper building spacing and to avoid concerns of the Commission about the length of certain structures, the applicant has reduced the proposed density by two units, down to 34 units. As a result, there will be 22 two-bedroom townhouses and 10 three-bedroom townhomes with a first floor bedroom. Each townhouse will have a one-car garage with additional garage depth for a second car parked in “tandem”. The townhomes each have a traditional two-car garage. All garages have an apron depth adequate for an additional car. Additional resident and visitor parking is provided, distributed throughout the site. Total eligible parking, without relying on “tandem” and apron space is 80 spaces, satisfying zoning standards. With all “tandem” spaces, a total potential parking for 142 cars is possible (an average of 4.2 spaces per unit). In view of the ample parking provided, it may be desirable to defer installation of six to eight spaces provided such spaces are properly prepared for future pavement, if needed. Those remote spaces to the south of Building “D” are suggested.
  
7. The Fire Marshall has approved the subject Application with conditions and stipulations. Hammerhead turn-arounds meeting Fire Department standards are provided at the end of each dead-end drive. The Fire Marshall will have the final say regarding location of hydrants, adequacy of turn-arounds and widths of fire lanes, prior to sign-off on the plans. In view of the dead-ended drive layout, the lower portion of the entry drive connecting to River Road will be constructed as a median-divided roadway. The City Engineer’s review letter of February 27, 2019 identified several concerns and deficiencies which were addressed by the applicant’s engineer and confirmed by the City Engineer’s memo to him dated May 28, 2019. The final approval of the City Engineer as set forth in his letter of September 6, 2019 noted that, if field conditions should warrant, the

applicant shall retain the services of a geotechnical engineer. He also confirmed that the location and design of the driveway connection to River Road, as well as the drainage system discharge and other work within the River Road right-of-way will need the approval of encroachment permits by ConnDOT.

8. To improve the space between the rock face and the end of Building "G", the building should be shifted to the north as much as possible, without encroaching into the 50 foot wetlands regulated setback area. Necessary retaining walls on the site vary in height up to about 10 feet. Final design and construction technique must be designed and certified by a professional engineer. For vehicular safety purposes, a wood beam guard rail will be installed where necessary. Consideration should be given to increasing the height of the wall in the vicinity of stations 6 to 7 to reduce the fill slope and minimize the intrusion of grading into the required 50 foot perimeter Setbacks and Natural Area as set forth in Sub-paragraph 33.6.5 of the Zoning Regulations. A six (6) foot high, dark color vinyl-coated chain link fence should be provided around the storm water detention pond as well as four (4) high at the top of the rock cuts. Final wall and fence details shall be provided for approval prior to sign-off on final plans.
9. All disturbed areas of the site not used for buildings, drives and parking shall be appropriately landscaped to the satisfaction of the Commission. The final detailed landscape plan as submitted is too sparse and needs considerable revision and improvement prior to Commission approval. A typical building landscape plan should be provided, drawn at a larger scale. Information regarding size and species of plant materials should be specified as well as a minimum survival period and provisions for additional supplementary plantings if deemed necessary by the Commission.
10. Architectural plans should be further modified to include elevations of the rear wall of buildings for each of the different combinations of units and reflecting the topographic grade changes from one end of the building to the other.

After further discussion of the Commission and Staff regarding their concerns and on the basis of the findings noted above, the Commission notes that the proposal satisfies the requirements of Par. 34.4 of the Zoning Regulations and accordingly, the following **MOTION** was offered:

**MOTION** to approve with conditions the Application #19-06 of Key Development, LLC, granting the Special Exception and approving with conditions the Site Plan for a proposed 34 unit residential development at 85 River Road in accordance with Plans entitled “DAYBREAK RIDGE TOWNHOUSE DEVELOPMENT, RIVER ROAD, SHELTON, CT.” prepared by Rose-Tiso & Co. LLC, Architects and dated 1/10/2019, revised 10/08/19, Scale 1”=40’, subject to the following stipulations additional modifications and revisions:

1. All comments and concerns set forth above shall be addressed to the satisfaction of the Commission.
2. Submission of the final revised site plan, architectural plans and detailed engineering plans, including proposed excavation and grading details and revised landscaping plan, for approval and sign-off.
3. Submission of proposed blasting program, including proposed pre-blast survey area, evidence of insurance and bonding for Commission approval. No blasting activities shall take place during the period from February 15 and April 15.
4. All proposed proposed work within the road right-of-way will require ConnDOT approval and necessary permits prior to approval of any zoning permits.
5. All required bonding for sedimentation and erosion control as well as a site restoration bond must be posted prior to approval of any zoning permits.

The **MOTION** was moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.  
There being no further discussion, on a roll call vote, Commissioners \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voted in favor.

Commissioner \_\_\_\_\_ voted in opposition.

The Chairman declared **MOTION** passed on a \_\_\_\_\_ to \_\_\_\_\_ vote of the Commission.



\*19-24

## **SHELTON PLANNING AND ZONING COMMISSION**

(For Consideration at the Commission meeting of December 10, 2019)

November 27, 2019; Rev. 12/2/19;

**RE:** Application #19-24 Petition of 502 Howe Avenue LLC LLC for a  
Proposed Planned Development District (PDD) for a Mixed-Use Development at 502  
Howe Avenue at the corner of White Street  
Currently Zoned Commercial CA-3 District with C.B.D./S.D.A. Overlay  
Approval of Initial Development Concept Plans and Adoption of PDD.

### **BACKGROUND**

The petitioner, 502 HOWE AVENUE LLC, proposes to construct a mixed-use development consisting of 56 residential units above sidewalk level retail/commercial uses on a site occupying the entire corner bounded by Howe Avenue, White Street and Perry Avenue, adjacent to and south of that property now ~~of~~ formerly of Kastens, in downtown Shelton. The entire site is currently occupied by Webster Bank, with supporting drive-thru lanes and off-street parking. The site is currently served by a driveway connection on Howe Avenue and two (2) driveways on White Street. The proposed building will be positioned at the back of the sidewalk system on Howe Avenue and White Street, with the balance of the site devoted to off-street parking. Four floors above the Howe Avenue level of commercial and parking are devoted to residential rental apartments. A second level of parking is proposed, accessed from Perry Avenue and serving only the apartments. A total of 90 off-street parking spaces are proposed. Howe Avenue is designated as State Highway #110 (Conn.Rte. #110)

The proposed PDD parcel contains 30,625 square feet (0.703 acres), is zoned Commercial CA-3 District and lies within the CBD overlay zone.

Development plans for the proposal as submitted are entitled "INITIAL DEVELOPMENT CONCEPT PLANS, PLANNED DEVELOPMENT DISTRICT, MIXED-USE DEVELOPMENT, 502 Howe Avenue, Shelton, Connecticut", prepared by PERIERA ENGINEERING, LLC, Professional Engineer & Land Surveyors, dated October 3, 2019, including architectural plans by Rose-Tiso & Co., LLC, Architects, dated 10/04/19 revised to 10/15/19, including a colored rendering of the proposed building. In addition, a Traffic Impact Study prepared by Milone & MacBroom, Inc. dated October 17, 2019 was also submitted.

The Shelton Planning and Zoning Commission confirms that Shelton's Plan of Conservation and Development (POCD) notes the need to "... carefully guide remaining economic and residential development to ensure that balanced growth occurs in the most appropriate locations, using the most appropriate development patterns." The POCD also noted that "protecting and enhancing downtown" was one of the main strategies in maintaining a healthy and balanced community and protecting community character. The Commission noted that downtown planning and revitalization efforts have always contemplated mixed-use development with the introduction of new residential apartments, provided the residential use does not displace street-level retail/commercial activities. In the downtown area, the primary responsibility for provision of adequate parking for retail/commercial and office uses has been assumed by the City of Shelton. Several municipal parking facilities are located throughout the downtown and in the vicinity of the subject site. In addition, the Commission has always attempted to satisfy basic residential parking needs directly on-site by requiring the provision of an on-site ratio of not less than one space per apartment unit, with excess demand satisfied by on-street and other nearby public parking facilities. The subject proposal however, indicates 90 on-site spaces being created which should result in ample on-site parking for the needs of both the residential and commercial tenants. The major commercial tenant is the coffee shop Dunkin' and is provided with drive-thru service within the lower level parking facility, further reducing reliance on proposed on-site parking facilities.

The Commission held a duly noticed public hearing on the proposal on October 23, 2019, which hearing was continued to and closed on November 12, 2019. The proposal was well received, with only one comment voiced at the hearing, in support of the proposal. The Commission discussed some concern with drive-up lane capacity and it was noted that in addition to the 10 stacking spaces, an additional space was reserved for short term use by drive-up patrons waiting for a large order to be completed. Also noted was the fact that similar urban locations experience a greater number of walk-in patrons. Vehicular access and egress was also discussed. In discussing potential for voluntary affordable units, the applicant indicated that the relatively small size of the proposal, coupled with the added cost of providing structured parking as proposed, precluded the economic feasibility of providing such units, but they will continue to explore the possibility of providing a couple of "workforce units" if feasible.

The Commission has completed an extensive and detailed review of the proposal, is familiar with the general area and the site in particular and notes the following findings:



## FINDINGS

1. The Commission discussed the relationship of the subject site to the public street system and the various existing and proposed public parking facilities in the area and concluded that public parking facilities in the vicinity supplement the significant on-site parking proposed and should be adequate to serve the needs of the subject proposal. The Commission is in agreement with the Traffic Impact Study and its finding that the surrounding roadway system would function similarly to today, that Howe Avenue peak hour congestion will continue to exist but the design and operation of the proposed access will not exacerbate these conditions. The Commission determined, subject to potential further adjustment, that the public system of streets and parking facilities will be adequate to accommodate the proposed development. It is noted that well in excess of the minimum required one (1) on-site parking space for each proposed dwelling unit is proposed and parking for the non-residential tenants needs will also be available, using structured, on-site parking.
2. Staff has noted that rubbish disposal for all apartments will be provided internally and that rubbish removal will be handled with pick-up service at the Howe Avenue level in the area below the building and with access from the proposed Howe Avenue parking access/egress drive.
3. The Shelton Inland Wetlands Commission (IWC) has reported that with proper installation and maintenance of sedimentation controls, there is no need for an IWC permit. A favorable report was received from the Fire Marshal and the City Engineer's concerns can and will be addressed in final plan preparation. Exiting traffic directional flow on White Street has been reviewed in the Traffic Study and it is recommended that this driveway have full access/egress. Application has been made to the WPCA and favorable action is anticipated. All outstanding concerns must be addressed with the submission of Final Detailed Development Plans
4. The Commission discussed its general concerns about building height along the Howe Avenue frontage in downtown. It is noted that the proposal indicates a maximum height of 58 feet, below that recommended in the delineated Central Business District (CBD) Special Development Area (SDA). The Commission noted that the proposed height is somewhat less than that of the Pierpont Building located directly across White Street from the subject proposal. Accordingly, the height of the proposed building will not be out of character with it and the height of other existing buildings along Howe Avenue in the downtown Shelton area. The preliminary architectural elevations are well articulated, detailed and attractive,

with a quoin detail in the brickwork at the corners of the building, echoing the treatment of the Pierpont Building. It is suggested that this quoin detail also be used at all projecting corners of the brickwork. The building will be of steel and masonry construction. Detailed architectural plans will need to provide final specifics on exterior materials and finishes, storefront treatments including allocated and dimensioned sign panels, other final design details, garage ventilation grilles, etc. Additional detail should also be provided regarding the expanded sidewalk area at the corner of Howe and White and its potential for outside sidewalk seating. All public sidewalk improvements, including street trees and lighting, must conform to City standards.

5. Regarding the question of adequacy of elevator service, Staff has confirmed that the single elevator is consistent with industry standards. It is questioned whether the elevator will be provided with emergency generator service such that elevator service will be available for 24/7 use, even during power outages. If so, plans should indicate the location and other details associated with the provision of such emergency power.
6. All necessary utility services are available or can be provided to the site and all utility services will be located underground.
7. The proposed mixed-use development is consistent with the Commission's long range land use plan objectives and the recommendations of Shelton's Plan of Conservation and Development (POCD) relative to balanced growth and improvements for downtown Shelton. It represents yet another opportunity to encourage private sector investment in downtown Shelton revitalization efforts. The overall proposal is well integrated with the Downtown Area and will result in a major development proposal on a significant visual corner in downtown. It will require substantial additional private investment and builds upon and is consistent with other established downtown development. There is no conventional zoning district to accommodate the unique combination of sidewalk level commercial, structured parking and residential rental apartments at the development standards proposed, with adequate protections to the City.
8. The proposed Statement of Uses and Standards requires minor refinement and clarification to avoid ambiguity and misinterpretation.

On the basis of the above and the favorable consensus of the Commission, Staff has prepared the following **RESOLUTION** for the Commission's favorable consideration and action.

## RESOLUTION

**WHEREAS** the Applicant has submitted a complete petition for the establishment of a five (5) story, mixed retail/commercial and residential use building under the Planned Development District regulations as a proposed PDD, on a 0.703 acre site fronting on Howe Avenue, White Street and Perry Avenue, which site is now zoned Commercial CA-3 District; and

**WHEREAS** the Commission held a duly noticed public hearing on October 23, 2019, continued to and closed on November 12, 2019, to consider said application; and

**WHEREAS** the Applicant has submitted Initial Development Concept Plans, including other related materials in order to provide the Commission with the information and details necessary to render an informed decision; and

**WHEREAS** the Commission is familiar with the subject site and the applicable zoning regulations and has reviewed in detail the proposal and all accompanying documents thereto, and subject to the comments and Findings set forth above, the Commission notes the following:

1. The application complies with the applicable zoning requirements.
2. No IWC permit is required, initial favorable action by the WPCA is anticipated and all applicable comments of the City Engineer and the Fire Marshall have been or will be addressed with the submission of Final Detailed Development Plans. ConnDOT approval of an encroachment permit for modifications to the Howe Avenue site entrance drive will be required.
3. The site is currently developed with an existing bank building with drive-up service and supporting on-site parking. Said facilities will be demolished and replaced in a manner that compliments and promotes ongoing downtown revitalization efforts.
4. Final Detailed Development Plans will need to address minor outstanding issues and concerns noted in the Findings set forth above.
5. The proposed PDD encompasses a parcel of greater than 10,000 square feet and promotes appropriate development consistent with overall Downtown Planing and the principles set

forth in Shelton's adopted Plan of Conservation and Development. The proposal does not conflict with the comprehensive plan of zoning for the City.

6. The parking demands are well served by proposed on-site parking supplemented by available public parking facilities. Projected traffic will not overload the street circulation system in the area. Existing and proposed utility services are adequate for the proposed development.

**NOW THEREFORE**, the Shelton Planning and Zoning Commission, in accordance with the provisions of Section 34, hereby approves with conditions the subject **Initial Development Concept Plans** subject to the following conditions and adjustments:

- a. Satisfaction of all final comments and concerns of the City Engineer, Water Pollution Control Authority, Fire Marshall, Local Traffic Authority and any and all other applicable municipal boards and commissions.
- b. Final modification and revision of the **Initial Development Concept Plans** as necessary in response to all concerns noted above and any outstanding concerns of the Commission and its staff that may arise from additional on-going review.
- c. Submission of a modified **Statement of Uses and Standards** to address outstanding minor concerns.
- d. Provision of final specifics concerning exterior finishes, including submission of samples of exterior materials and finishes, if requested by the Commission.
- e. All utility services shall be located underground.
- f. At the time of approval of **Final Detailed Development Plans**, appropriate bonding will be required covering any work within the public rights-of-way and in such additional amount as determined by the Commission to assure the completion of critical site improvements, landscaping and other areas of concern. A separate bond shall be provided to assure the installation and maintenance of any required sediment controls.

**Final Detailed Development Plans** including all supporting design details, information and evidence of all required final approvals, shall be submitted on or before July 1, 2020. Other than demolition permits, no permits for construction shall be issued prior to approval of **Final Detailed Development Plans**.

On the basis of this conditional approval of **Initial Development Concept Plans**, the subject proposed PDD is hereby adopted for the reasons found in the Findings and discussions preceding the motion and shall be identified as PDD # 98

Said adoption shall become effective on Friday, December 10<sup>th</sup>, 2019 at 8:00 a.m.

The above **RESOLUTION** was moved by Commissioner Pujada and seconded by Commissioner Tickey.

Upon completion of all further discussion, on a roll call vote, Commissioners Wizowski, Kelly, Pujada, Matto and Tickey voted in favor.  
6-0 Approved

Commissioners none voted in opposition.

The Chairman declared the **RESOLUTION** adopted

