

SHELTON PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES **REVISED**

Wednesday, March 19, 2025  
Shelton City Hall (In Person & Virtual)  
54 Hill Street, Shelton, CT 06484

PZC Commissioners Present: Virginia Harger, Chairwoman  
Charles Kelly, Vice-Chairman  
Elaine Matto, Secretary  
Ruth Parkins  
Robert Cristiano  
Jimmy Tickey  
Win Oppel, Alternate  
Matt McGee, Alternate

TRANSCRIBED, BUT  
NOT YET REVIEWED OR  
APPROVED BY SPZC

Also Present: Attorney Francis Teodosio, Corporation Counsel  
Alexandrea Castro, Asst. Planning and Zoning Admin.  
Stephanie Charboneau, Stenographer  
Sarah Vournazos, Recording Secretary

USB disks, 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

Chair Harger called the meeting to order at 6:02 p.m.

II. Pledge of Allegiance

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

III. Roll Call

Chair Harger identified members present and gave the meeting protocol.

IV. Applications for Certificate of Zoning Compliance

1. Orcas Family Cuts, 415 River Road, for a sign.

Ms. Marilyn Burgos, applicant, addressed the Commission. Chair Harger asked Ms. Burgos about the sign being installed prior to having PZC approval. Ms. Burgos replied that she was unaware the sign needed to be approved. Ms. Castro mentioned that the Zoning Enforcement Officer processed the application and that Ms. Burgos was dealing with the Health Department but they do not know the sign protocol for the City of Shelton. Ms. Burgos said there were "a lot of miscommunications...when I came here to get the signatures."

Comm. Parkins mentioned that the sign subcommittee was concerned with the brackets for the sign. Ms. Burgos noted that the brackets are attached

underneath the awning and there are LED lights to see the sign at night. Chair Harger expressed that she would like to make sure the sign is in “conformity with everything.” Comm. Parkins inquired about the sign’s name, “Orcas”, and Ms. Burgos said that she used to work in Sharkey’s in Westport and orcas eat sharks.

Motion made by Comm. Kelly, seconded by Comm. Parkins to approve the sign, contingent upon Mr. Joe Ballaro, Building Official, going down and signing off to make sure that everything is okay. On a voice vote taken by Chair Harger, the PZC voted 6 – 0 in favor of, with no Commissioner voting no or abstaining.

V. New Business

- A. Application #25-03, 118 Armstrong Rd, LLC., at 118 Armstrong Rd (Assessor’s map 19, lot 10) seeking a text amendment; proposing Section 38, “Armstrong Affordable District” and a Site plan application to allow 40 residential units, with 12 units being restricted as affordable under CGS 8-30g. Accept and set public hearing.

Motion made by Comm. Kelly, seconded by Comm. Matto to accept for review and to set a public hearing. On a roll call vote taken by Chair Harger, the PZC voted as follows:

|                    |                       |                    |
|--------------------|-----------------------|--------------------|
| Comm. Kelly – Aye  | Comm. Parkins – Aye   | Comm. Matto – Aye  |
| Comm. Tickey – Aye | Comm. Cristiano – Aye | Chair Harger – Aye |

The motion passed 6 to 0.

VI. Public Hearing

Chair Harger read aloud the guidelines for the public hearings, and how the public who wished to comment on the proposals being presented will be recognized by the Chair.

- A. Application #24-30, Steve Bellis for Stephen Shapiro, proposal to amend the Shelton Planning & Zoning regulations by adding Section 37: Age Restricted Residential Development. Continuation of the Public Hearing; review, discuss and possible action.

Chair Harger indicated that Appl. #24-30 was accepted for review on November 13, 2024. The public hearing opened on January 15, 2025 but was continued at the applicant’s request. On January 22, 2025 the application was presented and the public hearing was continued. An extension letter was accepted on February 5, 2025 and the public hearing was continued and postponed on February 19, 2025. The PZC granted an extension letter on March 12, 2025.

Chair Harger mentioned that the application, the conceptual plan, a statement from the applicant about an overlay zone, the original and revised proposed

text change, a map by the NVCOG showing the roadways that are stated in the text change, the adjacent neighbors who could be affected, a list of properties, two GIS maps with the properties marked, two extension letters and an opinion from Attorney McCoy about this application and correspondence from six residents have been posted to the city's website.

Attorney Stephen R. Bellis of the Pellegrino Law Firm, New Haven, CT addressed the Commission on behalf of the applicant. He indicated that his client, who was represented by Attorney Dominick Thomas, withdrew an application for a proposed PDD on 118 Armstrong Road called Blossom Ridge, for 40-units. The client then submitted an 8-30g application through Attorney Chris Russo but asked Attorney Bellis to represent him since the applications "were not going so well."

Attorney Bellis suggested submitting an application for a text amendment for age restricted homes. He relayed that his initial proposal for larger parcels was not well received by the PZC since they are "too expensive, takes on too many properties and changes the character of the town." The new proposal is much more limited as it is in an R-1 Zone and would be located east of Route 8, near Old Stratford Road and on Shelton Avenue between the Huntington Green to Nells Rock Road. He mentioned that there are 12 properties which could be affected by the overlay zone and referenced his map.

Attorney Bellis reiterated that he is filing a text amendment and not an 8-30g application. The text amendment is an overlay zone and if someone wants to use it, "then it could land on their property, provided it's between one and a half and two and a half acres, provided it's an R1 and provided that it's in the area that we've described it." There would be no more than 10 single family homes allowed for the one and a half and two and a half acres. He then reviewed the requirements if someone used the overlay zone (i.e. deed restricted for 40 years).

Attorney Bellis referenced the plan of development, noting his proposed text amendment is consistent with it. He indicated that the plan of development says to eliminate PDDs in residential districts and he pointed out that is one of the PZC goals. He said, "this particular text amendment is spot-on with the plan of development," and it could be used *in lieu of* someone filing an 8-30g application. Regarding income diverse housing, the occupants would be 55 years and older who do not have school age children.

Comm. Matto inquired about affordability and Attorney Bellis replied that the single-family homes would be market-rate except for one home, which is affordable. The City of Shelton would receive a half of one point regarding the affordable home. Attorney Bellis referenced the PZC affordability plan where it is recommended at 10% of "these types of developments," noting that he has an affordable component in his text amendment.

Attorney Bellis mentioned that a person would have to submit a special exception application when they submit their site plans, whereby the PZC would vote on it. Chair Harger noted that Attorney Bellis' text amendment proposal is "two-fold" as there is age-restricting housing and one affordable unit.

Attorney Bellis indicated that the state dictates what a developer can charge for an affordable unit and there is a formula used to calculate the price after plugging the numbers into a chart. He said, "in this particular text amendment, it's 80% of AMI (average median income)." Comm. Parkins expressed that when someone submits a text amendment, the PZC has to be sure that it is applicable to other properties because "otherwise it is spot zoning," which is not allowed.

Mr. Stephen Shapiro, applicant, Stratford, CT, addressed the Commission. He mentioned that the housing stock in CT is down 77%, noting that "we're dead last out of all 50 states." He indicated he is working on middle housing statewide and passed a DRD regulation last month in Fairfield, CT along with a workforce housing regulation in Stratford, CT. He noted that the PZC has full control over any application in this zone, stating "it's via special permit and if you don't like a particular site that comes in under this, you have the full discretion to deny it."

Chair Harger opened up the public portion and the following members spoke regarding Appl. #24-30:

1. Mr. Fred Barmmer, Shelton, CT addressed the Commission. He has been a resident in Shelton, CT for 57 years, noting that his property is across the street from the affordable housing proposal at 390 Shelton Avenue and adjacent to one of the 12 properties targeted on this proposal. He said, "this is a major and far-reaching zone change and the specifications of this zone change have been written and customized by the developers to fit their specific needs." The developers own two of the 12 properties listed on the proposal and he stated, "I'm also disturbed that the developers now run the city and the P&Z are simply a rubber stamp for them." He expressed that the tax payers are being "bullied by the developers" and noted his concerns of spot zoning, excessive housing density on small plots and the loss of greenery.
2. Mr. Bob Quinn, Shelton, CT addressed the Commission. He has been a resident in Shelton, CT for 38 years and mentioned his traffic concern. He asked the Commission to decline the text amendment and said that his neighborhood is an area of "modest one-family homes."
3. Mr. Jay Gulick, Shelton, CT addressed the Commission. He mentioned his green space concern, noting that "it's a lot of real estate." He mentioned that he does not want his property value to drop if this

application is approved. He referenced the “many deadly auto accidents all up and down Route 108” and relayed his traffic concern.

4. Mr. Richard DiBiase, Shelton, CT addressed the Commission. He has been a resident in Shelton, CT for 32 years and said, “I’m proud to be a resident of it.” He moved to Shelton, CT from Bethlehem, CT and likes the City of Shelton. He mentioned his concerns about noise, blasting and traffic. He stated, “when I look out of my window and see what’s going to happen, it’s just not acceptable.”
5. Ms. Linda Henderson, Shelton, CT addressed the Commission. She has been a resident in Shelton, CT for over 35 years. She would like to understand the zone change and said, “I think we’ll be setting a precedent if we allow this to happen...there’s a lot of growth in Shelton and I think by accepting this text we are opening up a can of worms.”
6. Ms. Remy Kocurek, Shelton, CT addressed the Commission. She referenced the zoning overlay, noting that the property owners were not notified of the proposal. She noted that if approved, it would make it a lot easier for the developers to build dense housing.

Attorney Francis Teodosio, Corporation Counsel, addressed the Commission. He mentioned the properties which would be affected by the text amendment. He indicated that the zone change requires anyone within 500 ft of an affected property to be notified.

7. Mr. Dan Christensen, Shelton, CT addressed the Commission. He indicated that if the text change is approved, then a developer would get the 10 houses “by right...let’s call a zone change a zone change.” He expressed his waste water concern and said, “we are a city without a supervisor for the wastewater treatment plant and that deals with all of these proposals.” He mentioned 8-30g applications, noting “it’s something that’s being weaponized,” and Chair Harger agreed.
8. Mr. Gilman LeBelle, Shelton, CT addressed the Commission. He has been a resident in Shelton, CT for 47 years. He inquired about a previous application regarding 118 Armstrong Road. Comm. Parkins replied that it was withdrawn but a new 8-30g application was just accepted.
9. Mrs. Fran DiBiase, Shelton, CT addressed the Commission. She asked if the amendment is accepted as is, if anyone can apply for it anywhere in Shelton. Chair Harger replied that the applicant will address the public comments. She inquired about the two applications before the PZC and Chair Harger said that it is not unusual to have two of them.
10. Mr. Tom Harbinson, Shelton, CT addressed the Commission. He

referenced the text amendment proposal, noting that 118 Armstrong Road is north of Old Stratford Road and asked if all of the parcels that might be eligible or impacted by the proposed zone have been properly identified. He mentioned the overlay zone and wanted to know if this proposed regulation is a zoning overlay similar to a special development area or a floating zone similar to a PDD. He brought up spot zoning and inquired about there being a minimum number of parcels or lots that a proposal for zone amendment should apply to. He then asked for clarification of the calculation regarding affordable housing units.

11. Mr. George Friend, Shelton, CT addressed the Commission. He owns two properties which would be affected by the text amendment. He expressed his density concern and asked if there is a density threshold above which two access points to a development are required. Daybreak Lane and Partridge Lane are fully dependent on well water and he inquired about how the parcels would be connected to city water.

Attorney Bellis thanked the public for speaking and then he responded to their comments. He noted that the Planning and Zoning Commissions are in a bind made by a state statute that is a law known as 8-30g. When a PZC denies an 8-30g application and the developer appeals their decision, the application is heard at the Superior Court with the burden being on the town to show that there was a significant health or safety reason which outweighed the need for affordable housing. He mentioned that this proposal was made to help the city solve a problem with needing age restricted housing.

Attorney Bellis reiterated that the application is not for a zone change but rather an overlay zone. A zone change requires the homeowner signing off to have a zone changed and an overlay zone floats or overlays a certain number of parcels and at any particular time if that particular homeowner meets the certain criteria for the text amendment. He noted that it is not spot zoning since it does not pertain to just one property or one owner. Chair Harger asked Attorney Bellis to verify about Mr. Harbinson's comment regarding 118 Armstrong Road being north of Old Stratford Road.

Comm. Parkins expressed her concern of the abutters not being able to speak at the public hearing and asked Attorney Bellis to send notices to them. She would like Attorney Bellis to "modify or change the directional to not cause more confusion on the description as Mr. Harbinson spoke of."

Motion made by Comm. Parkins, seconded by Comm. Kelly to continue the public hearing. On a roll call vote taken by Chair Harger, the PZC voted as follows:

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|-----------------------|---------------------|--------------------|
| Comm. Cristiano – Aye | Comm. Tickey – Aye  | Comm. Matto – Aye  |
| Comm. Kelly – Aye     | Comm. Parkins – Aye | Chair Harger – Aye |

The motion passed 6 to 0.

## VII. Old Business

- A. Application #24-20, Dominick Thomas for Crown Point II LLC at 0 Bridgeport Avenue and 48 Long Hill Crossroads. (Assessor's Map 50, Lots 15 & 16) in an LIP zone for a Planned Development District, for a mixed-use commercial development to include a hotel, restaurants, grocery and retail. Review, discuss and possible action.

Chair Harger indicated that Appl. #24-20 was accepted for review on July 10, 2024. The public hearing opened on September 18<sup>th</sup>, was continued to November 20<sup>th</sup>, January 22<sup>nd</sup>, February 5<sup>th</sup>, February 26<sup>th</sup>, and it closed on March 12<sup>th</sup>.

The Commissioners discussed Appl. #24 – 20. Comm. Kelly mentioned that the residents who spoke opposed the apartments but not the townhouses. He referenced the triangular piece of land which is LIP zone and noted that the applicant is “trying to change the zoning and the land to their liking and that’s not what we’re about.” Comm. Matto indicated that she would rather the top portion not be developed. Comm. Tickey agreed with her and expressed his density concern. He appreciates the developer working with the nearby residents about their concerns.

Comm. Parkins relayed that she voted against the Hawks Ridge development because it was an LIP Zone that was turned into housing. She said, “I’m glad that the housing is no longer included in it because quite honestly, yes people would know they’d be buying it with that development right underneath it, but the folks that bought up at Hawk Ridge also should have realized that they were living very close to a commercial zone.” She referenced the no build area, noting that it should be earmarked for future parking if necessary and not for future building.

Comm. Cristiano agrees with leaving the upper portion separate. He mentioned his traffic and parking concerns but feels that the vehicular connection to Crown Point will aid in the traffic and parking. Chair Harger noted her concern of the footprint of the retail building being too long but said that the proposal has a good overall layout.

Chair Harger directed staff to have a favorable resolution prepared since the Commissioners have a consensus to approve Appl. #24 – 20.

## VIII. Public Portion

Chair Harger asked if there was anyone from the public who wished to comment and no one from the public indicated that he or she needed to be recognized to make any comments.

## IX. Other Business

A. Executive Session: Pending legal matter: 801 Bridgeport Avenue.

Motion made by Comm. Kelly, seconded by Comm. Parkins to go into Executive Session with inviting Attorney Teodosio to attend. On a roll call vote taken by Chair Harger, the PZC voted as follows:

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|--------------------|-----------------------|--------------------|
| Comm. Kelly – Aye  | Comm. Parkins – Aye   | Comm. Matto – Aye  |
| Comm. Tickey – Aye | Comm. Cristiano – Aye | Chair Harger – Aye |

The motion passed 6 to 0.

Motion made by Comm. Parkins, seconded by Comm. Kelly to come out of Executive Session and with the notation that no votes were taken. On a roll call vote taken by Chair Harger, the PZC voted as follows:

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|-----------------------|---------------------|--------------------|
| Comm. Kelly – Aye     | Comm. Matto – Aye   | Comm. Tickey – Aye |
| Comm. Cristiano – Aye | Comm. Parkins – Aye | Chair Harger – Aye |

The motion passed 6 to 0.

X. Adjournment Chair Harger adjourned at 9:29 p.m.

Respectfully submitted,

Sarah Vournazos  
Recording Secretary