



City of Shelton Conservation Commission

Meeting Minutes for
January 4, 2017

Members Present: Bill Dyer, Sheri Dutkanicz, Jim Tate, Tom Harbinson, Joe Welsh (*arrived 7:12*), Pat Gadjosik, Ed McCreery

Also present: Teresa Gallagher, Natural Resource Manager; Terry Gallagher, Trails Committee

1. **The meeting was called to order** at 7:05 pm by Tom Harbinson.
2. **Meeting Minutes:** **Pat Gadjosik made a motion to approve the December 7, 2016 meeting minutes. Seconded by Bill Dyer. All were in favor.**
3. **Public Portion – for items not on the agenda:** No one wished to speak.

(Joe Welsh arrived at 7:12 pm)

4. **Trails Committee Report.** Bill Dyer introduced Val Gosset, the newest member of the Trails Committee, then summarized the Trails Committee meeting that preceded the Conservation Commission meeting. Refer to the Trails Committee meeting minutes for more information.

Terry Gallagher, Trails Committee member, addressed the Commission with regard to the proposed Lane Street bridge replacement, stating that he attended the public informational meetings and the Rec Path safety issue has not been addressed. He will be writing a letter on behalf of the Trails Committee to the parties involved. Ed McCreery said he went to a house party on Wesley Drive recently and not one of the attendees was aware of the plan to redirect traffic onto Wesley while the bridge is being rebuilt. They're not too thrilled about it, but appreciate that it has to be done. But they were all very upset to hear that the city was talking about paving the current gravel Rec Path unless it's returned back to a gravel path.

Bill Dyer closed by saying that 50 people completed the 2016 Shelton Trails Marathon challenge.

5. Review of proposals before the Planning and Zoning and Inland Wetlands Commissions:

- a) **PZC #16-28 (replacing of PDD #66, Great River Water Club) 704-722 River Road, 8.6 acres.** (Former approved PDD in 2008 was called “Beacon Point Marina” for 31 condominiums, clubhouse with restaurant, bar, swimming pool, and marina for 200 boat slips.) Proposal calls for 164 apartment units in five structures, clubhouse with pool, maintenance building, and marina.

Presentation by Attorney Dominick Thomas, Cohen & Thomas, 315 Main St., Derby, and the applicant, Richard Kral. A revised plan dated January 4, 2017 was distributed to the Commission members.

Attorney Thomas: The original PDD approval was for 34 high-end condos, the marina was to be expanded to over 300 slips, and there was a restaurant. The restaurant was the draw to the public, and as a result there was a walkway with a gazebo at the end of it. After the recession, many things changed. For example, the restaurant was not going to work. Also, the market for condos collapsed. I have been asked why they don't consider a project like the homes at 550 River Road (Toll Bros). I consult with Toll Brothers, and they would like to have been out of that project eight or ten months ago. They've only sold half of the units.

So what my client has come back with is 164 apartments, relatively high-end. There is no longer 300 slips. It's back down to 75 slips. There are currently about 60 slips.

My client has been in substantial discussions with the Shelton WPCA. The initial proposal had an onsite sewer system, this one doesn't. The City of Shelton would like him to connect to Shelton rather than Stratford. It means revenue for Shelton. Also, Shelton has an interest in sewerage the southeast corner of town and not paying the sizeable fees to Stratford. He would connect up at the pump station at the Toll project, at the diner [River Road near Constitution Blvd So.]. The WPCA has been doing testing along Rt 110 in case they are able to achieve funding to run a sewer line down towards this end of town and connect other things. For example, the Tanglewood Condos are on septic, and they have issues.

My client, in his discussions with the WPCA, has said that he would, in addition to installing his forced main line to his site, lay a 10" line along the entire site, which would save the City millions when it goes to connect up this end of town because he would have already laid the line, and done the roadwork. WPCA has already indicated that the project can hook up to the Shelton sewer system.

Tom Harbinson asked about the previously approved project [31 condominiums] and whether there was an athletic component or a public dock on that previous

approval. Atty Thomas said there was a boat launch because of the size of it. There is none in this proposal. In this revised proposal, three public access parking spaces have been added in. I'm going to let Mr. Kral explain the public spaces.

Richard Kral: What we tried to do is to take into consideration the removal of the boat ramp and the reduction of the size of the marina. What we have seen at this location and our location down in Cos Cob is the increase in the number of folks that want to be in the crew programs, or kayak, or paddle board. It's the paddle sports, more of a healthy life style around boating. So this facility is more geared to that. So we provided public access parking spaces that would be for "roof-toppers", folks who bring their paddleboard to different sites. They would be able to launch on our low profile dock in order to access the river. So we are creating public access to the river, but for paddle boats instead of power boats. The last application had a more marina focus on it, unfortunately the industry has seen a considerable downsizing since 2010. There are also two free slips for the Fire and Police Departments.

Jim Tate asked if someone did not have a kayak or a canoe, how would they enjoy the waterfront here? What would their public access be? Richard Kral responded: There's a walking path or sidewalk labeled "5' gravel sidewalk" on the plan. The current plan unfortunately shows it stopping near the Club House because it was a quick redesign. I need to work on that a little bit more to make it continuous. Jim Tate asked: So there would be a walk that loops all the way around? Mr. Kral agreed. The public parking spaces for kayaks and canoes could also be used for pedestrians.

Jim Tate asked about a portion of the site labeled "potential recreation and pavilion area." Mr. Kral said there would be some sort of outdoor open pavilion, maybe a barbeque space.

Ed McCreery asked what you would see of the buildings from River Road. Atty Thomas said you would see two stories with a roof. Jim Tate asked about the number of stories as viewed from the river. Atty Thomas said it would be 4.5. Jim Tate said, so it would be five stories basically. Atty Thomas said, in essence. Jim Tate said, five and half with the roof.

Ed McCreery asked about the landscaping. Mr. Kral responded: On the north end we will be maintaining a lot of the landscaping that's there with the homes that are there now, and will be replanted, especially where the walkway comes close to the property line on the north end before the driveway access. The driveway entrances will be planted. And then the fields that exist now between River Road and our current site where the old access road is (points on map area labeled "asphalt driveway") this area up here will also be maintained as the Tennessee Gas Pipeline. We are hopeful that they'll allow us to plant some trees around that to screen it. We will further develop the landscape plan once

we have approval from Planning and Zoning. Neighbors have asked for nothing tall to be planted that would block their view of the river.

Tom Harbinson asked about the Coastal Area Management (CAM) requirements. Atty Thomas said an application has been filed with the CT DEEP. Richard Kral said the DEEP was working on the approval and didn't seem to have any real concerns. Jim Tate noted the flood lines on the map. Mr. Kral said that the DEEP does allow only certain types of buildings such as garages and storage spaces in these areas below the flood elevation. So that's how the site was engineered, with parking under the buildings.

Tom Harbinson asked about the CAM requirements for public access and noted that Shelton has very few areas where one can access the river. Currently the only public way to launch a boat is the public boat launch. Mr. Kral said their business model is to lease a slip and keep your boat in the water.

Bill Dyer: I was pleased to give up the right of way for Murphy's Lane [during the previous approval process] which still existed. Tom Harbinson said when he was a kid, that was one of the ways they accessed the river. It went straight down and was not the preferred way, but it still was there. Bill Dyer continued: We were pleased to do that because you were going to bring in thirty-some new families into Shelton, to own property in Shelton, now you want to bring in 164 transient people that have no connection to Shelton in an area where I'm just amazed that anyone would consider this number of units. Here's where the school buses would have to come in. Atty Thomas said, Not in a million years. Bill Dyer responded, Every time you say that we always end up having to provide school buses to all these projects. So it happens. We're going to have to do it for the Mark, we're going to have to do it for this. We're going to have to do it for Shelter Ridge. You've got 160 units and you're telling me there's going to be no children?

Joe Welsh commented: There's no protection of the river. Where's the benefit to the river resources? I don't see buildings jammed this close to the river. And three parking spaces is a joke. It's going to feel like a private development.

-Tape 1 side A ended-

Tom Harbinson talked about other developments where trees were cleared along the river to enhance river views, and said the commission is concerned about what the shore looks like for people on the river.

Sheri Dutkanicz asked if more public parking spaces could be provided. Mr. Kral said they have three spots at their facility in Greenwich. Tom Harbinson asked if Greenwich has other public access points that kayakers would be utilizing. Mr. Kral said yes, they do. Teresa Gallagher noted that Shelton doesn't have much for public access. People drive to the Derby boat launch to put their kayaks in.

Bill Dyer noted the increase in impervious surfaces and asked where all the oil dripping off of the cars is going. Mr. Kral responded that all of the driveways have separators and infiltrators. The first phase of engineering work has been done and submitted to Planning and Zoning. It is all state of the art engineering.

Jim Tate asked if there were any recent figures for vacancy rates, with so many new units becoming available. Atty Thomas: Yes. There was a study for the region including Trumbull, Milford, Shelton. The lowest vacancy rates were in the upper 80's. Most were in the 90's. The competition is causing rent-baiting, which consists of introductory offers to gain tenants. In the extremely hot market of New York City, my wife's niece was able to find a place where she got two months free rent. That's a common thing. The market for this apartment complex will be different from the apartments downtown or the ones along Bridgeport Avenue. The price point of this is going to be higher than most of Bridgeport Avenue.

Chairman Harbinson asked if the commissioners had any other questions. Jim Tate: My comment is to please highlight the attributes of your project to the river because frankly we are probably going to be adding a lot of housing in the near future of this type. We're going to have a lot of development, it appears, in comparison to other towns.

Atty Thomas responded: I tell people if they want to stop this development, there are things you can do. They include raise your taxes, increase your crime rate, and do other things that make Shelton undesirable. I've made this comment in Oxford as well, where they are obsessed with two-acre zoning. The younger generation does not want to live in a house with two acres. They want to live in the type of housing that Shelton is building.

Jim Tate said: I fear that someday the structures that we build will fall out of market and we will have issues where we intended to have quality housing, we won't have quality housing anymore, we'll have to lower our standards. That's a very slippery thing. I'm not worried about a hotel necessarily because the hotel market itself.

Atty Thomas responded: Yes, there are concerns about that in the inner cities. And yet, in spite of the concerns, developers are still building. Most developers are not stupid people. They do their homework. But I understand what you're saying, that all the sudden they're going to stop going into apartments. But nobody has a crystal ball.

Jim Tate: I always say that if you build something that is of quality to start with, the likelihood is that it will survive. We are getting into some marginal projects from what I've seen lately, where the intent originally was grand, but when you actually go and look at the project it's just not as successful.

Dominick Thomas and Richard Kral ended their presentation and left the room.

Ed McCreery made a motion that Conservation prepare a letter to the Planning and Zoning Commission that the Conservation Commission reviewed the site development plan depicting 722 River Road, met with the developer and his attorney, and made the following observations and recommendations with respect to the proposal:

1. The conditions of approval should include appropriate landscaping along River Road to minimize the sight line of the road looking at 2 1/2 story buildings projecting above the ground level;
2. The conditions of approval require service by public sewer service, whether it's by Stratford or Shelton, and not the earlier proposal of river front separate sewage treatment systems;
3. The developer offered to maintain the extent, as possible, the significant vegetation on the northerly end of the property.
4. The Commission was concerned about the massive amount of impervious surface area that was being created by the intense development of the site, and would recommend, wherever possible, such as the parking spaces on the lower level, possible use of porous pavers
5. The Commission was extremely concerned about the impact upon the vegetation buffer along the river which is being continuously developed in Shelton, destroying the view from the river and urge the developer to utilize as much landscaping and evergreen plantings between the buildings and along the river front. Not so much to obstruct the view, but to ensure a green view from the river front. And the developer agreed that was a good recommendation.
6. To maintain the integrity of the water quality that, as a condition of approval, the marina be required to maintain a pump out facility for the boats that would be docked there.
7. The developer offered to redesign the current walkway so that it would traverse the perimeter of the entire site and that it would be open to the public, as a loop system.
8. As a condition of approval, the Commission should require that the public be given the right to use the walkway along the riverfront and, as the developer has offered, to launch paddleboats at the site.
9. The developer be asked to increase the number of public parking spaces from the three offered to no less than five, and that, as a condition of approval, that they be appropriately marked as public access parking with signage.
10. Overall, the Commission was extremely distressed to see the increase in the density of the project from the original proposal of 31 units to 164 units and questions: Is really what Shelton wants along its riverfront? The significant increase in density will result in greater impacts to the river with greater impervious surfaces, and the vistas of people

enjoying the river, and we urge the Commission to consider a reduction in the number of units.
Motion was seconded by Jim Tate. All were in favor.

- b) **181 Meadow Street Resubdivision of Lot #1 PZC #16-33** into two lots. Tom Harbinson spoke at the public hearing and changes were made to the site plan.

6. Executive Session – Quality of Life

At 8:23 pm, Bill Dyer made a motion to go into executive session for the purpose of discussing a proposed land acquisition. Pat Gadjosik seconded. All were in favor. The Commission came out of executive session at 8:24.

The meeting was adjourned at 8:30 pm.

Meeting minutes were prepared by Teresa Gallagher and should be considered in draft form until adopted at the next meeting. Audio tapes of the meeting are on file in the Town Clerk's office.