

The Plan Update Advisory Committee held a Meeting on May 25, 2004 at 4:30 P.M. in the Shelton City Hall, Room 104, 54 Hill Street, Shelton, CT.

Members present: Chairman Peter DiCarlo  
Michael Adanti  
Tom Harbinson  
Fred Musante  
Staff present: Richard Schultz, Planning Administrator  
Diana Barry, Secretary

The Chairman opened the meeting with the Pledge of Allegiance.

### **APPROVAL OF MINUTES**

#### **There were no minutes to approve.**

Fred Musante questioned if you are looking for fiscal information, how do you look forward or backward? There was never any fiscal analysis done, stated Richard Schultz.

Chairman DiCarlo states that a hotel could give us \$80,000.00 in tax revenue. I want to have a clearer picture of what you are doing here, stated Fred Musante. With Split Rock, you can have corporate offices yielding x amount of tax dollars or you can get mix use. We won't get the high traffic volume, stated Richard Schultz. The obvious objective here is to get more revenue then services, stated Fred Musante.

### **LAND USE REGULATIONS (PHASE II): RICK SCHULTZ, P & Z ADMINISTRATOR**

Michael Adanti questioned you can then make a PDD anything you want? Yes, that is the zone, stated Richard Schultz. Do we have a set of perimeters, asked Michael Adanti? The Commission didn't support the WER1 petition which was to hit the brakes on the PDD in the R1 zone, they did say we will restrict the use of the PDD in the R1 zone only to be used when it abuts a non-residential zone, stated Richard Schultz. WER1 says that doesn't go far enough and what we are suggesting to do is a fiscal analysis, he added.

Any application should be looked at from the point of view as to see what is the revenue generated from taxes and what is the expense or burden on the City, stated Tom Harbinson. When you talk about the PDD you are talking about the concept that says that you have no other zoning regulation that this applications proposal would fit into, stated Tom Harbinson. In looking over the 40 odd you see the need to look at our zoning regulations to adapt or expand them to encompass the common proposals, he added.

Look back at the 46, you have offices, you have hotels, stated Tom Harbinson. Then you say lets make a zoning regulation to allow hotels. You look at the corporate office and you say lets make a zoning regulation to allow corporate offices, he added, then to use the PDD every time.

You have to allocate the space, as well, stated Peter DiCarlo. You then have to mandate a geographic space, he added. We do that now, stated Tom Harbinson. That is what your land use plan will show and that will say cluster homes can go there or not, stated Richard Schultz.

We were talking about fiscal build out. You have to be careful with fiscal build out, stated Peter DiCarlo. You can't use it as an argument to establish the zoning. There are legal ramifications and there are some down sides to that, he added.

If we didn't have the PDD's what would have happened, questioned Fred Musante? The buildings would have shrunk in height because we don't allow anything over 40 feet. We would not have had structured parking lots. We would have had seas of asphalt, stated Richard Schultz. We don't like to see that.

Michael Adanti asked if the PDD was State Statue? Yes, answered Richard Schultz.

There is a very general statement that says each local municipality can prepare their own zoning regulations. The PDD is special and some lawyers have said they will, if they take us to court, will zero in on neighboring statutes, stated Richard Schultz. There is not clear language with regard to this zoning technique. Michael Adanti asked what then you just stop? The Court could say the PDD is wiped out and everything then is null and void. After the 3 years it then becomes non-existing and non-conforming.

We want these, stated Fred Musante. Yes, said Richard Schultz, it is a great tool. If you have your planning in place and you know what the build out will be, he added.

If you restrict the height and you make that permanent then you will have fewer of these, stated Fred Musante. Another way to do this is to predetermine where the SDA's can go. Something unique like a wellness center, we don't have zoning for that. When Griffin was going where Sure Source is they were using the PDD, stated Richard Schultz.

The PDD is the crux of where we go and where we will end up and it is the problem and the solution stated Fred Musante. It is the zoning choice for all the downtown's redevelopment efforts and it is our zone of choice for the build out of Bridgeport Avenue, stated Richard Schultz.

Richard Schultz stated at the last meeting we went over Schedule A & B. We will go into site plans, special exception, PRD's, PDD;s and the downtown zone. He is reading and explaining the Zoning Regulations that all members have copies of.

When we got to Scinto Towers that is when you saw the zone changes.

There is an earth removal on Split Rock. They have proposed earth removal and that site will be 3 tiers. The lower tiers are the ones that will be worked on first, stated Richard Schultz. The earth removal doesn't allow processing equipment and we only allow that if the earth material will be used on site, he added. We use Section 32 all the time because Shelton is very rocky and it is used for our non-residential areas. Peter DiCarlo read from Section 32.5.7 that states there be no processing machines. So we are in violation of this. There should be a change to permit that, stated Fred Musante.

Section 33 case in point across from White Hills Shopping Center Griffin Hospital owns that property. They don't want single-family homes. Staff has reviewed a variety of uses including a wellness center and offices like Dr. Linden's down the road. That was done under the Special Exception because it was an old abandoned house. Those are subject to public hearing. This is a tool that was used quiet a bit until the PDD came along. PDD's go from eatery, hotels, 10 story buildings to movie theaters, stated Richard Schultz.

You have a site plan that is permitted as of right, no public hearing. You have a Special Exception that requires a public hearing and allows you to consider a use that is normally not permitted in the underlying zone. On the site plan, the Old Victorian homes were turning into bordering homes and that is something that we didn't want to see. So in the early 80's we made regulations to convert these homes.

If you don't act on an approval will it becomes null & void and it won't be acted upon until there is another proposal on that site, stated Peter DiCarlo. If something was null & void and I come in that next day with a proposal will I get that change, he questioned? That would be up to the Commission, stated Richard Schultz.

Hewitt had an Alzheimer's facility proposed on Lake Road. They didn't act on that PDD which now has a proposal for condos. They want to modify that and change that. Off of Murphy's Lane there was a PDD for condos and the developer didn't follow through with it. It lapsed after 5 years. The new developer wanted to pick up the pieces and he wasn't allowed to because the 5 years had lapsed, stated Tom Harbinson.

They had to reapply with the site plan, Tom Harbinson added.

The residents are concerned because there are no standards spelled out. If you move to Shelton next to a 10-acre parcel someone petitions for a PDD that could be granted, stated Richard Schultz. The public is saying stop the use of the PDD. Use the PRD so there are standards, he added. I know what it will yield and I could go to the Public Hearing to voice my concern.

That is the goal of the WER1. They are saying stop the PDD's in the R1. Restrict them, stated Fred Musante. PDD in an underlying R1 has to have a residential component to it, stated Tom Harbinson. That is what they want, stop the PDD use the PRD, stated Richard Schultz.

The Special Exception has a higher level of scrutiny than the site plan. We use it a lot. They have offices and multi-uses that include the Ramada. That is a good signal that Bridgeport Avenue is where it needs to be. It is going up.

Section 34 is the PDD's. For a PDD you need 60,000 but Bridgeport Avenue we reduced that to 20,000. Staff did a build out.

If you had it at 60,000 why would you reduce that to 20,000, questioned Fred Musante? You are not doing charity work here, he added. We are doing something to support the future of Shelton. Spooner House got a variance because we didn't have the 20000 adopted yet. The Spooner House was a wake up call, stated Richard Schultz.

ZBA asked us to stop throwing them the reductions in lot size. They said look at your regulations. The regulations show that the P & Z have the ultimate authority. Did we change that, asked Peter DiCarlo? We have had a Public Hearing on that and it just is not adopted yet, stated Richard Schultz.

What designates an area a Special Development Area, questioned Tom Harbinson? It is a non-designated use, stated Richard Schultz. Richard Schultz read from the regulations.

SDA's should be on the map so you will know where the PDD's can go. They do an SDA and PDD in the same meeting, stated Tom Harbinson. If the PDD's are going to survive the SDA's have to go on the map, stated Richard Schultz.

Peter DiCarlo read from the regulations. The Route 8 plan was established in 65 and they relied on LIP. When we updated that plan then we incorporated the use of the PDD, stated Richard Schultz. It is all about planning and what you want to allow.

Richard Schultz went over the PRD. That was used for Aspetuck. The Commission formulated a regulation for residential development in the residential zones. It explains doing the conventional subdivision to establish your base. The density and the lots are taken to a multiplier. That is what we used for Aspetuck. Unlike the PDD it is all defined, he added.

That is what they are saying on Lake Road. You have the PDD but you can use the PRD.

**End of Side 1A of 1B, Tape 1 of 1 at 5:25 P.M.**

Keep the PRD in mind to establish the technique if we are going to use this in connection to the cluster residential, stated Richard Schultz. PRD will stop the density. Use the PRD because there are perimeters.

The White Hills area has no sewers so it is 1.1. The Wabuda Farm if they use the PRD it will be a 1.1 multiplier if it is a conventional. The PRD shrinks the lot area and you will get more Open Space.

Section 35 is important. This will be used more in the future.

Section 36 is our Central Business District downtown. You can apply for a PDD and we want to see those downtown. This permitted certain uses and they didn't want to see any more gas stations. They didn't prohibit tattoo parlors and we got caught downtown. Two came along, stated Richard Schultz. This is specifically for downtown and it is right for that area.

We have our signage and right now there are major deficiencies. We are working on that area. There are provisions for sediment erosion control. We have adult oriented business and back in the 90's there was Case Law that says you have to allow it but you restrict it, stated Richard Schultz. Wireless facilities with towers coming in. We have tall buildings that allow roof mounting. We had 2 towers off Birdseye and we still get request for the White Hills Area. There is the one on River Road.

There has been a lot of discussion on the PDD and the PRD was too involved. There was no case law back when I started. We have prevailed so far in Court. Applebee's applied twice for the PDD and that was upheld twice. There were condos on River Road, lapsed and he came back. The Courts upheld the approval and the amount was reduced.

Michael Adanti questioned that there are restrictions with the PDD? The uses are not spelled out stated Richard Schultz. You create the PDD anywhere in town if you have 60,000 sq. ft., he added. The R1 people that have 5 or 10 acres next to them are subject to the PDD uses especially in the South end. This is what the residents are saying stop using that technique.

Now that the Commission is not doing the planning we can concentrate on our own regulations including signage and professional offices in your home. You will send a loud statement back to the Commission that PDD's should be restricted to a certain area on the map, stated Richard Schultz. Staff supports that we just have not gotten to that on the map.

Our regulations are a reflection of the diverse town that we are. The PDD at Richardson Vicks won awards. The Huntington Office Park at Exit 11 won an award. The 92 plan says go back to reevaluate the regulations.

Peter DiCarlo stated that Frank and I have meet twice with the Mayor. The Mayor is unconvinced that we have to spend the money on this proposal. We have gone around & around on this. We will have a meeting this week with Planemetircs that is really an executive presentation for the Mayor. The thing that disturbs me is that this committee was requested in January of 03. The Committee was not formed until 04. Throughout that time no money was put toward a budget. Rick and Tony did preliminary work thinking they would be contributors and leaders of the group, stated Peter DiCarlo. That came in at \$80,000. 10-15 years ago it cost \$129,000. to do a plan. With the simply inflation that comes to \$180,000. You can't do things that way. The Mayor is saying you have all that information dig that out. I think it would be money well spent and we are taking this seriously with an outside approach, stated Tom Harbinson.

You are going to do this in a formatted way. That way everyone will have his or her say. We want to raise the comfort index in this town and this is the way to do it, stated Peter DiCarlo. Once you get a fiscal build out you can go back to reference every year.

A lot of things that the Mayor deals with comes down to money. We want the tax base to grow and in terms of the future you need to know where our tax revenue is coming from, stated Tom Harbinson. The Mayor wants to know what Planimetrics will give us that we don't already have, stated Peter DiCarlo?

**On a motion made by Tom Harbinson seconded by Michael Adanti it was unanimously voted to adjourn at 5:43 P.M.**

Respectfully submitted by,

Diana Barry, Secretary