

**PLAN UPDATE ADVISORY COMMITTEE**

*Minutes  
Room 104, Shelton City Hall  
Shelton, CT  
Monday, May 23, 2005*

**I. Call to Order**

Chairman Frank Osak called the meeting to order at approximately 4:30 P.M.

**Members Present:**

Frank Osak, Chairman	Peter DiCarlo
Tom Harbinson	Fred Musante
Michael Adanti	Jim Tate
Anthony Pogoda	

**Also in attendance:**

Marianne Chaya, Clerk

**II. Pledge of Allegiance**

All in attendance pledged allegiance to the flag.

**III. Minutes for Approval**

Anthony Pogoda MOVED to approve the minutes from the May 16, 2005 meeting. SECONDED by Tom Harbinson. All were in favor, MOTION PASSED.

**IV. Other Matters for Discussion**

The committee members reviewed an invoice presented from Planimetrics. Frank Osak mentioned that there is an amendment to the agreement. Anthony Pogoda MOVED to approve the invoice from Planimetrics. SECONDED by Tom Harbinson. All were in favor, MOTION PASSED.

**V. Committee Discussion on booklets 4 and 5**

The following are discussion items from the committee members, and they asked for it to be double spaced for editing purposes:

(Items in bold is for Planimetrics to pay special notice to)

**Book 4: Conditions and Trends**

Page 2 and 3 are historical information. No comments. No comments on page 4 and 5. Page 6 and 7 is A Growing and Changing Population. On page 8 and 9 is the thing that says the population growth is going to continue but school enrollment will stay flat. It also says that our population is going to get older. Page 7 talks about the cohorts of the migration between 1990 and 2000. Tom Harbinson wrote an epiphany a while back and Peter DiCarlo responded. The chart on page 9 sums it up. The fact is the population from 0-19 years of age is going to be flat for the next 15 years. On the basis of that and what we heard from the Board of Education, it seems that you have an adequate number of classrooms, assuming the curriculum remains the same. They speak of adding language and arts and adding full-time Kindergarten, which makes the demand for classrooms. If the City decides that is the way they want to go, then you have to add classrooms. The concept of neighborhood schools is a myth. If you are going to handle diversity, the only way you are going to handle it and satisfy the law is to re-district. Our job is to simply say, the stats are you are flat. You don't need additional classrooms unless you change or add to the curriculum. Then we are done. It's not up to us to tell them anymore than that. **The other thing when you look at that chart is, what is going to be the future impact on municipal services and capital investments to handle the change in demographics?** Are there models or is there anywhere that the City should go or we should recommend so that they can look at what is coming over the hill and how to address it? This chart states that the mature adults and retirement age population is going to increase. **When they say the projection is to be**

**higher, do they mean higher by number or higher by percentage of population?** Most of verbage in the paragraphs is talking about percentage of population. If the population goes up and maybe if the percentage goes down it might be a flat school-age population. **If the percentage of the population that is going to be 55+ is increasing and they have a need for unique or peculiar needs. The fact is that you are going to get less tax revenue out of an aging population because they are looking for the tax relief. Where does the tax burden go? If you are giving incentives so that they stay in their house, you are getting less tax revenue. Where are you going to make it up?** You are not going to make it up by them selling it off to younger families. Usually those are more like deferrals, where you are frozen, say at \$3000/yr. As the taxes go up, you will have a lien on your house. When the property is sold, the City would get their taxes. There are several different types of programs. For instance, in New York, there is a tax relief where once you reach a certain age you don't pay anymore to the education fund.

The question came up, what is it we would recommend to P&Z regarding the issues that are stated here? Tony Pogoda said that speaking from the P&Z end, we are trying to get more senior type housing or age restricted, smaller homes, bringing in the seniors and not putting much of a burden. The need is for more things for the seniors. Some people have come to talk with P&Z about this issue and not with a proposal in hand, giving us something to think about. According to the information, Shelton, in terms of housing stock, don't we far exceed in our housing stock breakdown? We already have a higher percentage than

surrounding communities of age-appropriate housing. We have the types where people over 55 would go to, age-restricted, assisted living, elder care and nursing homes. We have a higher percentage of that type of housing stock in the community because of places like Wesley Heights, etc. More age-restricted housing would help the aging population. We really haven't changed the housing stock too much for our age cohorts to be attracted into that. **What housing stock are they staying at or moving into?**

In reference to Book 4 there are too many snapshots. Some of the things give you what happened 10-15 years ago, but other things are just snapshots. It's hard to pick up what the trends are. When you get into the make-up of the grand list, we have snapshots of what it is right now. On page 24-25, everything on it refers to 2002-2003. It was noted that some members have reviewing books from other towns done by other companies. The problem is with the way this is set up is you really don't get quickly into what are the "action items", which would be the high priority action item, whether it is short or long term. Once you have the data, and it is probably all in here somehow, if we don't get a run-down. It was questioned if it's in this yet and if we are there yet. Shouldn't you be able to go to somewhere in it and pretty quickly understand the intent and what the result is for? They read a portion from the last meeting: *The next report to come out will probably be titled Guiding Appropriate Development. It will look at three main elements. The first element will be protecting and enhancing community structure. We will then look at economic development strategies and residential development strategies. It will look at commercial and residential development in*

*the future and what the economic impacts of that would be.* This is all leading to that. We have a tendency to take whatever they give us and come to the final product, and we are not quite at that stage. What is it that we are missing here to give us the information to tackle that thing in November? **On page 24 -26, where all the data of what's the grand list of population, what is the percentage of commercial and industrial to residential. We only have a one-year snapshot. It doesn't tell us where we were in 1990, 1995 or 2000. Are we heading down the road to disaster, or is what we got is what is always going to be?** In the next tax year the information shows that we only have 12% commercial and industrial, yet this is showing 22%. Where are we slipping, and where are we going? Where were we before? We have to go back as far back as we are going forward. They don't seem to be consistent in the years of data.

The 2002-03 per capita tax burden shows Shelton at 27.1%. The last taxable year was 12%. It was noted that the source of the table was from the Connecticut Policy and Economic Council. We got our information from our Assessor, which we would value more than this agency. That is an inconsistency. Gloria Kovac told us it was 22%. We are now paying taxes on the Grand List of 2004. They recalled that Gloria said that one of the reasons that the property tax went down so much for the commercial/industrial was due to depreciation. There are a couple of factors that she mentioned about the method of evaluating or assessing property. One component is the market or comparable sales. The big component is the income approach, which, if you are

a landlord, you usually grab a piece of the total business. If the business isn't doing well, you get less rent. It is a percentage of the gross, which is the way they value on the basis of income. They use a complex formula for that. Take Bradlee's for instance, when it was a booming store and the landlord was getting a piece of that gross, and they put in their statement, which is something in which you are swearing that is what your income is. The rent is ok, and then now Bradlee's goes sour and there is no rental income. The component of the income approach that goes into the total evaluation mechanism drops. The Grand List drops. Similarly, if you have someone like an office tower like Scinto owns, if he has high vacancies, he has less rent, so the rental income portion goes down. What is that 12% we are looking at? Is that because we have too much residential in or did some of the commercial get depressed, or both? That income side of evaluating property tax only applies to landlords. Then you have depreciation, which is maybe why personal property changed. In the building, with bricks and mortar, there formula has to be comparable. The comparable is going to get forced by the income approach anyway. It will back into that. The statement came up again for the back of book 4: **We need more depth and more trends. It should go back to the 1992 plan timeframe, to see where we differ in those years. In reference to revenues they note that the State aid we get by comparison to the State. Why is that? We get \$190 per capita state aid, Derby gets \$591 and Seymour gets \$634. Does that mean an income test? How is this determined?** The more affluent the town is, the less money you get. Does this have to do with recent construction? Maybe it is

capital reimbursement. What is the significance of the comparisons? What do we care what ranking we are? It confuses more than it enlightens. We want to look at our picture. It was noted that it is good data in the general sense if we don't know what it pertains to. If we are getting less money back from the State for school projects or construction, obviously as we become more affluent in our community, we are going to get less back than Ansonia or Derby. There is another issue. It is your response back of your ranking for maybe the number of kids that go to college or if in comparison to Weston, spends the highest amount per student. Whether it comes from the State or the town, it's the highest amount per student spent. How would that rank for taxes paid? Whether or not you are getting your value back based on the performance of if you rank education as high, how would that relate? It seems rather strange that Monroe gets \$433 per capita state aid and Shelton only gets \$190. The numbers seem screwy. Does it matter what number ranking you are? Do you want to be first? They noted that the numbers on the chart on page 25 doesn't have to do with education but the example given was just regarding the relationship of numbers. As was said before, don't take too much into the figures, although it is nice to know where you stand. We have to look out for what "we" are doing. If this helps us to put us in a direction where we should be getting more revenue, whether it be commercial or whatever else, fine, but if it doesn't, I don't think those figures mean that much. Every year we hear about the budget of the education, it's so secret. If we are able to get more tax dollars, then maybe we should spend more percentage of that dollar towards education. Maybe, maybe not. Unless you know that is

actually happening, how can you make that judgment? **What does this have to do with decisions we are going to make to the Planning & Zoning Commission about land use?** In the grand scheme of things, nothing over here is going to help Tony say to P&Z that you should be doing this with housing, or you should do more with commercial or residential. This has to be worked out by the people who work out the budgets, whether it Board of Education or others. Our thing is to make the greatest decision as to what we want or think the City should be buildout wise with the land that we have left. It was noted that on page 25 where it shows that in the state, on average, every municipality gets 68.1% revenue from property taxes. In Shelton, it is 80%. We are more highly reliant, as a community, as compared to others on property taxes to pay our bills. That means we have to be very diligent on the remaining land that we get the best yield out of that land. **This goes back to the statement made where you should have an action item on a page or a summary of, what are we reading here?** Not through 5 or 6 different sections until we get to some summary. We need to formulate a question. We never really told them. We need to say, here is the charge, and you produce the data that answers the question. We never did that; at least we don't think we did. They give us the stuff they give every community. It is the process that they go through, it's what they do. **The question is, how do you get the maximum value out of the remaining land?** Hopefully, that will be coming. We should say, here is the direction we want to go and here is the question we formulated. Fred has been saying it from day one. The issue on education support boils down to in the State of CT; too much

reliance is placed on property taxes to support us. What is going to happen in the state is the property tax is going to be minimized with greater state taxes and the state is going to pay more for the education? That is where it is heading in order to meet the federal guidelines. What does that mean for us? It means that you will take it out of this pocket instead of the other pocket. We are going to about down the middle. It doesn't matter whether it's pocket A or B, state or municipal, it's going to be assessed on your property value. It goes back to the original question; we have to maximize the greater value to create our future. The big picture here is, the State of CT was a wonderful efficient state in 1790. It really hasn't changed in 200 years. They still have the same 169 political subdivisions. They each have a school, a superintendent of school, police department; all of which is duplicated. It is inefficient and costly. Eventually there will be some degree of regionalization. Why should Derby, Ansonia, Seymour and Shelton have 4 superintendents of schools? Each makes over \$100K/yr. Give us one for maybe \$150K/yr. That is also the same for police and other things. To put that into our plan would be to change the charter of the constitution of the State. That was an interesting concept but wouldn't happen in the next 15 years. You need less development that requires services and more development that doesn't require services.

To be answer the one question you need data to support it. We have to make sure to ask the questions to Planimetrics to be able to justify our positions. We are getting there.

**How is that Shelton has 80% per capita revenue from taxes and the state average is 68%? The state aid for the state is 24% and Shelton is 8.9%? Why is that? That must relate to the \$190 per capita state aid. That needs to be clarified especially with Monroe getting \$433. It may be that Monroe just built a school and received state aid. It was agreed once again that the figures on pages 24-26 needs to be trended.**

It was shocking to find that Shelton is only at 12% for commercial/industrial. Going to page 22, where it talks about 290 acres of vacant commercial/industrial land. How much in the piece behind the intermediate school? It is not a big piece of land (# acres inaudible). It was noted that it might be zoned residential. It is a huge difference between the 290 acres available for commercial/industrial versus the 4500 acres residential. P&Z should take some of those 4500 acres away, which would mean that you would have to make the zoning more restrictive or buy it as open space. The biggest tax dollars come from commercial/industrial. You only have 290 acres to do it with; you have to be very careful, or find more from the 4500 acres. The question came up about the map on page 23. The legend notes that the gray is developed or committed land. What does that mean? Do we know what is it committed to or for? Frank noted the areas he recognized, if you follow Rte. 108 where it crosses Meadow. North of 108 is the reservoir and the open space. If you go up 108 all the gray is where the high school is plus the open space. Brownson golf course is shown in yellow. The large one is the 80 acres of land that the city owns around the reservoir #3. The area down by the river is Indian Well State Park. **There needs**

**to be more of an explanation of the gray as noted in the legend on the map on page 23.**

Of the 4800 acres that is talked about, the developable acres, how do we apply the 4800 acres that is on the map on page 23? Some does not make sense.

The area around Trap Falls if available would definitely be a candidate for open space. This is a class 1-watershed area.

Side B

There was further review of what the map represented.

He is saying that of the 4500 acres of developable land will yield 2260 additional housing units by the zoning that is there. If you take out the bad land, the roads, the geometry and efficiency to exactly one-acre lots. It is hard to believe. If you have 4500 acres of what is considered developable land, based on this map, that is around Trap Falls Reservoir. Then they are saying if you factor out the current zoning regulations the open space set asides and roads, that conceivably you will have 2200+ units. I think that there is some flawed data in there. First, I don't think you have 4500 acres available or potentially available for development. Even if you have the 4500 acres that it would necessarily yield the 2260 housing units. **Verify and prove the data on page 22 regarding the 290 and 4500 available acres. How was it arrived at based on the mapping.**

What happens if someone comes in and starts to push a lot of PRD's into that?

The 2200 become more like 3000. It was realized that the scenario was stated on the second to the last paragraph. That has to be a recommendation coming out of this committee as to how you want that 4500 acres developed. That has to

be one of the main things to come from this committee. If it states residential, what are you going to hold as the density? If it is not going to stay residential, which won't stay residential? If you want to increase the amount of commercial/industrial base to essentially support a future tax base.

There are lands in this map (page 23) that are protected lands, under some type of protection. It could be a Class-1 watershed, purchased development rights, etc. There is something that is a letter of protection so that they are just not going to come onto the market as of right tomorrow without having to go through some process of review by the city that could say, I want to take it. When the land is available it is first offered to the City for purchase. If, for instance, Trap Falls Reservoir structure tomorrow becomes defunct and they were going to sell it. They have to go to DPUC to dispose of any of that and go through a series of hearings. The first one to have the first right of refusal would be the City of Shelton. One thing that has to be put in here is, if there is any change of those existing protected lands, for whatever reason, we should have it noted that we have the right to say it is in our best interest to purchase it. If you don't, then all these numbers pop in the compound and we are in trouble again.

We don't have a lot of options but we know the direction is pretty clear. One thing we should stress that anything that is presently zoned for industrial/commercial should never be changed. P&Z turned down the apartment complex on Research Dr. because it was zoned industrial. Once that land is lost, where are you going to put an office development, in White Hills? That will never happen. There was an approval for Scinto's apartment complex which opened a

can of worms. Because of that you have entities applying for zoning variances. Avalon Bay Communities has applied for a multi-family housing district in the Route 8/Bridgeport Ave. area. They are creating a new zoning district that would only apply in that commercial corridor. It is zoned part industrial and part residential. This apartment complex application would not have access to Huntington St. The only access way is Bridgeport Ave. Bridgeport Ave. is zoned and made for that type of traffic, eventually it may need more lanes. It was noted that P&Z has the ability to say no to changing the zoning, and they should say no.

#### **Book 5: Protect Important Resources**

Whatever farms that are remaining, should somehow be preserved. It was mentioned about doing a co-op farming venture, but if possible, it would be worth it. It is important to keep it as is for two reasons, for open space reasons and to take it off the housing market. The first issue in front of us is to decide if we are going to increase the dedicated open space that we want the city to preserve? Right now, we are looking at 10% and now we want to go to 15%. It is a recommendation. It has been stated in the newspapers that everyone is saying how Shelton is the model for taking development rights and then you read in the report that there is only 138 acres like that. When you stand up at Jones' Tree Farm and look across the land, you have to wonder.

We are sort of in a position here to craft, and we know what the problem is, we need to craft a way to be able to put those provisions in that will protect the farm land from ever being developed. That is the goal. Is that goal really practical?

Can it really be done? If it can't be done, then if there is something that could be done in another way that allows to transfer if it's not going to be farmland into open space, a golf course, etc. It's not practical, if all the land gets chewed up and there is no room to do any development except for this farmland. There will be an immense amount of pressure, and it doesn't make sense that it would be left as farmland. What do we do to move into that direction rather than just leaving it to the good graces (?). We do have programs in place. Out of all the land that is out there, of the actual farmers that have participated are very few, two as far as we know. That program probably isn't going to work to preserve that land. Let's face that reality and what do we do next? We buy it, and we buy it now. The report states there is slightly less than 1500 acres that is agricultural land, which accounts for 6% of the total City area. Only in the last 1-1/2 years has the City been getting a lot of requests about disposing of little parcels of City property. If the City owns it, how do you prevent it from being disposed of in the future? If you can't afford to buy it, and the economic pressure will be so severe, that it will go. If it goes, which way do you want it to go? Now, open space is no longer an option, so what's left? Commercial/industrial or residential? Slap a PDD on a piece of farmland up there, say 175-180 acres, and go for a maximum density that you can get from P&Z based on their regulations today, you are going to be surprised, big time. That would wake a lot of people up real quick. The pressures will be going in that direction. That are many businesses that rely on development to survive. We only have 290 acres left to offset residential growth. If you can't buy that land for open space, or you are afraid it will get beat

up as single-family owner occupied on the R-1A zone (3 acre lot zone), it will get busted up; if you think you have a problem now, wait till that happens? How do we prevent that from happening? Office park? There aren't a lot of good options. There can only be a combination of the things to do the best you can. If we had a map identifying the farm properties there may be some that would be worth consideration of different zoning, including an industrial/commercial zone along Leavenworth Rd. or someplace like that. Presently we don't have anything out there except one shopping center. You are going to have to convert some of the 4500 residential acres. Otherwise, we are stuck with 290 acres. In 1972 when we did this study, we did that. We figured that we had 750 acres developable in 1972. Now it's down to 290. Route 8 was all open – there was nothing there.

Page 10 discusses the state programs to preserve 130,000 acres. What fraction of that do we represent? Tom Harbinson said it is a very small fraction. The cost to the town for the acquisition of these farmlands is low. When you have an infusion of state and federal money, the city's contribution is low. It seems the most attractive way to lock up that land. When they talk about the uses for the land; the lease-back or allowing someone to farm it; are there really and truly takers for farm activity? Supposedly there is, and the first answer to that is Jones. Right now they are converting farm land to a winery, which is a quasi-commercial industry, which is probably the ideal situation. You kind of get both ends of the stick. Labor intensive farming is kind of dying, but if you can grow a product you can sell locally, there is viability to that. No one seems to be really

doing it. The ideal situation is to preserve the development rights. That way you won't have houses on it but someone can put it into commercial taxes where you can get tax revenue off of it and the City doesn't have to do anything with it. In effect, it's a way to compliment your commercial and industrial area. To a certain degree you will farm a crop and maybe sell it at the Farmer's Market, but to a larger degree, farming in this area is an experience for the visitor. Whether it's going to Rich's Ice Cream in Oxford, going to the winery at Jones' or picking Christmas Trees, etc. That is a tourist thing. In that vein, a lot of that experience relates to the ambiance, the atmosphere, and the views and vista. If you want to maintain the viability of that farming industry you have to think of ancillary services, such as the winery, restaurants, B&B's, etc. This will create a farming corridor with the vistas and areas of outstanding beauty that you want to maintain. Then you would be able to define ridges or slope areas that you don't want to see a development on that maybe has more preference than maintaining the open space when the larger parcel gets developed because the view that you see to that ridge.

What if the City was to buy a farmland, for example, and decided to convert the house into a B&B and put in a restaurant, operating it under a lease. Is this a practical approach?

In looking at the available farms some have beautiful views, such as the Hudak farm. What options do we have if we can't afford to take it as open space?

There are some people in town who feel, and there is some justification to that, that any purchase today will save the City dollars long term. What you have to

impress upon people to make a clearer picture that if this land was taken and developed, what outcome would it be for the City? More schools? More services? Taxes definitely going way up compared to buying it for possibly at a high price; plus you know we are not going to get it for a song and a dance. Are you willing to pay now? If you look at building a new school, that's somewhere around \$90+M, plus the cost of operating it. If you consider spending that money in White Hills, what could you get? In the big picture, you get that checkbook out. How can we prove that in a book or a video to the public? Hopefully these things show that it makes a lot of sense. We have to show that it works. What is not working right now is that the land is now been put into the private interests and they say they want to develop my property at it's highest and best use at the highest profit. Then they go through the process to find out how to get the best and the most use out of the property, then the City says I want to take it. Now you have property rights issues, political issues plus other issues that really work out to a balance and a compromise. You end up paying a higher price and some sort of disagreement. Next time that becomes harder. Back in 1969 we wanted to put the first high school where the one is now plus the whole area around including the Papale property (200 acres), we could have bought for \$650K. It was turned down on a referendum. In 1997 when there was a referendum item for open space there was 90% approval to buy it.

They asked about how the R1A zone occurred in White Hills. In 1956 there was a zone change that was enacted by the Board of Aldermen. The zone change was on Nicholdale Ave. There was a certain person that wanted to build a

rubber factory there. He was the brother-in-law of one of the Aldermen. They zoned those 5 acres industrial. It was taken to court and the court decided that is spot zoning and it is illegal. The factory ended up somewhere else. So the Board of Aldermen said that what the judge is saying is we have to make it all industrial. So when we went to get our plan approved, we went to the zoning commission and asked to have it changed from industrial to a large acreage zone. We figured it would never be developed at that rate. About 12 years ago and sat down and decided to change it residential, 3-acre lot zones. Back in 1962 the federal and state had another highway laid out that paralleled Route 15 and 95. They called it 110. That would have been the 3<sup>rd</sup> highway system. Now we are sitting here with a similar situation and saying, you better get it off the residential and either buy it or change the zoning.

Copy the tape and send to Planimetrics for review of the meeting.

## **VI. Future Meetings**

Monday, June 6, 2005.

## **VII. Adjournment**

Anthony Pogoda MOVED to adjourn. SECONDED by Tom Harbinson. All were in favor, MEETING ADJOURNED at 6:10P.M.

Respectfully submitted,

Marianne Chaya

1 tape is on file in the City/Town Clerk's office