



**City of Shelton**  
Shelton Conservation Commission



54 Hill Street, Shelton, Connecticut 06484

**Position Statement on the Use of  
Planned Development Districts (PDDs)**

Shelton Conservation Commission

December 3, 2014

The Shelton Conservation Commission endeavors to balance Shelton's rapid growth with quality open space, recreational opportunities, preservation of scenic and historic resources, and a healthy environment for the people who live and work in Shelton. When the Commission perceives an imbalance between development and conservation, it has an obligation to speak out.

We believe the PDD mechanism is being misused in Shelton, particularly with regard to high density developments in residential zones.

*"The intent of a Planned Development (PD) District is to encourage and accommodate unique and desirable development that will be consistent with the long range, orderly development of the area..."<sup>1</sup>*

When used responsibly, Planned Development Districts, or PDDs, are an effective tool for developing key properties in a flexible manner that would not otherwise be allowed by the underlying zone. The resulting construction should be a win-win for both the developer and residents. There is, however, an economic incentive for developers to employ this tool in a manner that benefits the developer at the expense of the community. The Conservation Commission believes that such PDDs must be denied.

**The PDD Regulations**

Shelton's PDD regulations include several passages intended to prevent misuse of the mechanism.

**1. SDA Overlays and Transition Areas:**

*"Planned Development Districts may only be established by the Commission within an SDA delineated on the Zoning Map or to accomplish a transition between single family residential use and an established non-residential area."<sup>2</sup>*

None of the recent residential PDD proposals have been within an existing SDA overlay (the Zoning map is changed to accommodate the PDD). While some earlier proposals could function as transition areas, more recent proposals do not, and the efforts to characterize these proposed developments as "transition areas" have become absurd.

## **2. Use of PDDs in Single-Family Residential Neighborhoods:**

*"PD Districts shall not be allowed on any site or parcel that is entirely surrounded by single family residential zones. It shall not be used when an alternative, conventional zoning district is available."*<sup>3</sup>

The latest PDD sites (Pond Meadow, Perry Hill Estates) are effectively surrounded by single family zones which can be developed according to Shelton's subdivision regulations. Only by splitting hairs are they not "entirely surrounded" by residential zones.

We note that previous high density residential developments in Shelton such as Aspetuck Village were not approved as PDDs, but by using other mechanisms which limited the overall density and required substantial open space, such as the PRD. The PDD regulations have no open space requirements or density restrictions because they were intended to be used for office/industrial parks or mixed uses, not residential developments.

Finally, we note that under most conditions, residential development results in higher tax rates for residents. The exception is an age-restricted development with few children. Applicants often claim their new developments will not attract families with children. Such claims should be examined carefully in light of the post-recession trend toward smaller homes and units with less upkeep.

## **3. Impacts to Neighbors:**

*"The proposal will not have a significant adverse impact of surrounding properties or on property values in the area."*<sup>4</sup>

The PDD mechanism was intended to be used for the good of the community and orderly development. If the entire surrounding neighborhood and multiple City departments are on record as opposing a proposed PDD, then one must question whether the development is truly in the best interests of the community.

With regard to property values, there is no question that a high density development such as Pond Meadow, with twenty units on 2.1 acres in an R-1 zone, would have a significant impact to the value of the surrounding one-acre lots and adjacent arboretum. This type of proposal should be strongly discouraged at all stages of the approval process.

## **Recommendations:**

**1. The Review Process:** PDD applicants are encouraged by the Planning and Zoning Commission to discuss their plans informally with staff (the town planner) prior to any submission. All relevant departments should be invited to participate in these initial discussions, including Conservation, the Engineering, Inland Wetlands, and the Fire Marshal. Currently, by the time a PDD proposal has been referred to the various City departments, the applicant has already invested significant amounts time and money in

developing their site plans. At this late stage in the process, the project has become too inflexible to fully address concerns that are raised.

**2. Density:** The PDD mechanism was meant to be used for office parks, shopping centers, and commercial areas, and should never be used in a residential zone. Where flexibility is needed in residential areas due to topography or other factors, the Planned Residential District (PRD) option is available. The PRD limits the overall site density using a formula that is based on the realistic site density that could be achieved using a conventional subdivision. Moreover, there are explicit open space requirements. Another option that grants flexibility is the Conservation Residential Development (CRD).

**3. Open Space:** Contorted open space boundaries drawn along the wetlands buffer line need not and should not be accepted by the City. Those areas are already protected by wetland regulations and are not useful to residents for recreation such as hiking, picnicking, or for children playing in the woods. The **quality** of the open space matters. Moreover, the boundaries are too complex to identify for both property owners and the City. Our subdivision regulations require the applicant to set aside 10% of the land as open space and state that "*open spaces for parks and playgrounds will be established in places deemed proper by the Commission.*"<sup>5</sup> We assume that would not be in a wetland. Residential developments should, at a very minimum, provide at least the same open space (or payment in lieu of) that would be required under the subdivision regulations. The subdivision regulations discuss open space at length and include:

*"Not more than 25% of the minimum required Open Space area shall consist of designated inland wetlands and/or steep slopes in excess of 30%, unless otherwise deemed appropriate by the Commission."*<sup>6</sup>

**4. Negotiate:** The PDD mechanism grants the City significant leverage with which to negotiate with the applicant in order to achieve the goals set forth in the Plan of Conservation and Development and the Open Space Plan. That leverage is not being fully utilized in the City's interests. Residential PDDs have been extremely intense, with inadequate buffering around sensitive areas such as streams and the riverfront, nor were there sufficient public recreation opportunities created. Other municipalities in Connecticut routinely used their leverage to negotiate the development that the community truly wants.

Shelton did negotiate with the developer of Huntington Wood when that Planned Residential Development (PRD) project was first proposed in the 1990s. The original site plans consisted of 210 condominiums, a thru connection to Aspetuck Village, and no viable open space corridor for the proposed Shelton Lakes Recreation Path. The revised plans called for 70 clustered homes, meaningful open space through which the Rec Path was later built, and a \$60,000 fund to build the path. As a result, we have now have a highly desirable neighborhood with the popular 4-mile Rec Path running through it which connects downtown with Huntington Center. This was a win-win for everyone, but it would not have been possible if the original proposal had been quickly approved by our land-use boards.

## Balancing Preservation and Development

In summary, although new development and growth is inevitable, we have checks in place to balance this growth in the form of our zoning map, regulations for new construction, and a program to acquire open space. It is imperative that we respect the intent of these checks and balances so that Shelton may continue to be an attractive place to live and work.

*This position statement was adopted by the Conservation Commission on December 3, 2014.*

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<sup>1</sup> PDD Regulations Section 34.1 “Intent” (Page 1)

<sup>2</sup> PDD Regulations Section 34.2 “Purpose” (Page 2)

<sup>3</sup> PDD Regulations Section 34.1 “Intent” (Page 2)

<sup>4</sup> PDD Regulations Section 34.8f “Findings Required for Initial Development Concept Plan Approval”, item (Page 12)

<sup>5</sup> Subdivision Regulations, Section 1-1 “Declaration of Policy” (Page 2)

<sup>6</sup> Subdivision Regulations Section 4-19-5 “Access and Condition of Open Space” (Page 30)