

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, JUNE 12, 2017 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz III, Chairman; Sean Stollo, Vice Chairman; David Veleber, Secretary.
Members: S. Woody Dawson, John Kardaras, Vincent Lentini, Gil Linder, Louis Todisco. Absent: Edward Guadio.
Alternates – Jon Fischer, Jeff Natale and Jim Jinks.
Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the public hearing to order at 7:31 p.m.

II. ROLL CALL

The clerk called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. BUSINESS

Secretary Veleber read the call of public hearing for all the applications.

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| 1. | Special Permit Application | PH 4/11/17 |
| | <u>CK 306 E. Johnson Avenue LLC</u> | PH 4/24/17 |
| | 306 East Johnson Avenue | PH 5/8/17 |
| | Regrading for Agricultural Purposes | PH 5/22/17 |
| | | PH 6/12/17 |
| | | MAD 8/16/17 |
| 2. | Waiver Request | PH 4/11/17 |
| | <u>CK 306 E. Johnson Avenue LLC</u> | PH 4/24/17 |
| | 306 East Johnson Avenue | PH 5/8/17 |
| | To waive Section 25.3.2 Subsection 3 | PH 5/22/17 |
| | | PH 6/12/17 |
| | | MAD 8/16/17 |
| 3. | Earth Removal, Filling or Regrading Permit | PH 4/11/17 |
| | <u>CK 306 E. Johnson Avenue LLC</u> | PH 4/24/17 |
| | East Johnson Avenue | PH 5/8/17 |
| | | PH 5/22/17 |
| | | PH 6/12/17 |
| | | MAD 8/16/17 |

Attorney Anthony Fazzone, Two Towne Center, Cheshire CT represented the applicant. At the last public hearing the Commission received Town Engineering Department comments, and Mr. Fazzone advised they have been addressed by the applicant. The applicant is looking to level land on East Johnson Avenue for the purpose of creating growing fields. The waiver is being requested to exceed the five (5) acre maximum in order to get a constant grade across the site. The grade and grading are finite and important; watering is involved for the plants; there are no comments from the Cheshire Police and Fire Departments. Sight line requirements are shown on the plans. Comments of the DEEP on the National Diversity Data Base have been incorporated into the plan.

Town Planner Voelker informed the Commission that all comments were read into the record at the prior public hearing.

THE PUBLIC HEARING WAS CLOSED.

Commissioners Kurtz, Dawson, Todisco were recused from the Apex Developers LLC applications. Alternate members Fischer, Jinks and Natale sat for these applications.

Vice Chairman Strollo chaired the public hearing for the Apex Developers applications

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| 4. Waiver (partial)
<u>Apex Developers LLC</u>
Coleman Road
Section 6.10.1 Cheshire Subdivision
Regulations; Sidewalks to be constructed
On the north side of roadway only | PH 6/12/17
MAD 8/16/17 |
| 5. Subdivision Application
<u>Apex Developers LLC</u>
Coleman Road
7 Lots (6 new; 1 existing house)
Coleman Farm Subdivision | PH 6/12/17
MAD 8/16/17 |

Attorney Anthony Fazzone, Two Towne Center, Cheshire CT represented the applicant. The application is for a subdivision off Coleman Road; it is the same exact layout as seen in 2015; IWW approved the layout; the applicant went back to IWW for determination on whether or not a new application is required. The IWW confirmed that the existing permit is authorized through September 15, 2020, and no further application is necessary. The PZC received copy of the Notice of Determination from IWW. Attorney Fazzone introduced a copy of the Notice for the record, and the prior approval is attached to this Notice.

The application before the Commission seeks approval of a cul-de-sac road without provision for extension through to the adjacent land. Mr. Fazzone asked the Commission to take official notice of the Cheshire Zoning and Subdivision Regulations, and Plan of Conservation and Development 2016 (the "POCD"), and make each document part of the record of the application.

Mr. Fazzone said the application calls for two (2) drainage basins, and their maintenance will be the responsibility of the Homeowners Association (the "HOA"). A copy of the form of Declaration of Easement, Reservations and Covenants were submitted for the record. This document has been reviewed and approved by the Town Attorney, and has been used in several subdivisions in the last few years. This document requires each homeowner in the subdivision to be a member of the HOA and participate in maintenance and repairs of the drainage facilities. The language in the document regarding maintenance of the drainage facilities and detention basins is in conjunction with the Town Engineer's office and the Town Attorney. The applicant is requesting waiver of sidewalks along lot #7 on the southerly portion of the subdivision.

Ryan McEvoy, P.E. Milone & MacBroom, represented the applicant and reviewed details of the plan, and displayed renderings and maps of the subdivision location. He reviewed the colored rendering of the property; the site is 20 acres on the east side of Coleman Road; this road runs north to south; the subject property is highlighted in yellow. The 20 acre site has a unique shape; 6.5 acres runs along the frontage of Coleman Road; the remainder acres are to the east and rear portion of the property. To the south are residential properties on Philson Court; to the north are residential properties on Tudor Drive; to the west is a tree farm, greenhouses; to the northeast is land owned by the Whitney Watts.

Topography – the site is gentle to moderate in topography; area along Coleman Road includes existing house and barn; the property is agriculture in nature; there are gentle slopes to the wetlands; the ridge line is in the center of the site; it drops to the east towards a wetland and stream corridor on the east; and drains north to the reservoir. Much of the property is cleared; most of the site is used for grazing for live stock; the east portion is forested and not used for agricultural purposes.

The property along Coleman Road does include public water; there are no sewers in this part of town; and the development is 2/3rds of the property. Six (6) new lots are proposed in the southeast part of the property; there is one existing house with a barn and acres; it is a 7-lot subdivision to be served by a new roadway coming off Coleman Road. The cul-de-sac is in the center of the lots (pointed out on the plans).

On site will be a sewerage disposal system, and Chesprocott Health District has approved the system (letter in the record). Extension of the public water main terminates at the cul-de-sac.

Cul-de-sac is 840 feet in length; 40 foot radius; due to unique shape of the property the lots are divided evenly between the south and north side of the cul-de-sac. The orientation coming off Coleman Road is to minimize crossing the westerly side of the property. The road conforms to Town standards. The applicant is seeking a partial waiver of sidewalks; the road is gentle in grade, 5% grade to the high point at western part of the site, down 7.5% maximum grade into the cul-de-sac.

Drainage for the road is split into two storm drainage systems; one to a storm water basin just off the road near Coleman Road; the second is in the area of the cul-de-sac directed east to lot #5 to a storm water management basin along that driveway.

The lots are straight forward with access from the roadway; they are short driveways; houses are located near the road; lot #5 (rear most lot) is served by a longer driveway which has been reviewed by the Fire Marshal for accessibility; some recommendations have been issued for thicker pavement for emergency vehicles, and gravel shoulder areas.

The storm water management system is in accordance with town standards; the basins are designed to handle water quality, with sediment chambers collecting debris before entering the basin; the basin is designed to attenuate peak rates of storms. Detailed sediment erosion controls and sequence are in the plans.

Sidewalk Waiver – the applicant is proposing the Commission waive the requirements for sidewalks along the south side of the roadway, and this is requested due to the shape of the parcel, horizontal orientation of the roadway, and shape of the first lot on the right hand side of the road. On the plans, Mr. McEvoy pointed out one particular lot that would have to plow 750 linear feet of sidewalk. Surrounding cul-de-sacs in the area do not have sidewalks. A sidewalk is proposed along the north side of the roadway because of the burden on one lot to maintain 750 l.ft. of sidewalk.

Analysis of the site and Subdivision Regulations – the cul-de-sac is appropriate and harmonious with the surrounding area. A traffic engineer did an analysis of the site and determined it is harmonious with collective streets in the vicinity of the site and a cul-de-sac is appropriate to serve this development and any future development. The cul-de-sac was chosen in an appropriate location and manner that serves the purpose of this development. There is minimum amount of site work and disturbance to serve the development. Part of the analysis reviewed the potential of extending the right-of-ways to abutting properties.

Mr. McEvoy displayed colored plans of the roadways. Red shows what the extension of the roadway would look like to the north extending into the northeast property owned by Whitney Watts. This road extension would require 600 additional feet of roadway; would require 30,000 sq.ft. of land dedicated to the roadway; approximately 21,000 sq.ft. of impervious surfaces to be constructed in order to get to the Watts property.

Creation of the roadway to meet town standards requires approximately 6,000 cu.yds. of material to construct beyond where the cul-de-sac is shown.

On the plans, Mr. McEvoy pointed out location of lot #5 house and driveway, and the road extension would wipe out this lot. Elevation of the road to town standards would require an additional 6 feet of fill over where this house is presently proposed. A roadway extension would be a severe burden on the development as proposed. Location of this roadway would be more intense for the wetlands and feeder brook.

Mr. Strollo asked about the original plans with dirt removal on the property and material coming to the site, noting there could be 400 trucks for 6,000 yds of material.

According to Mr. McEvoy there would be 5 feet maximum of excavation, and maximum of 4 feet of fill for the roadway, and there could be some importing of material required. He said there would be a severe impact on the lots and the maps show the wetlands. On the plans, Mr. McEvoy pointed out the natural features of the property; black is the wetlands; red is the extended roadway; the difference in elevation from the cul-de-sac and Watts property is 90 feet. The right-of-way total length would be 1,400 l.ft. and any extension into the property would greatly exceed the maximum of 1,700 feet. Extensions to other subdivisions would require extension from the applicant's cul-de-sac of 3,200 l.ft. if the roadway is extended beyond 200 feet from the subject parcel and the Watts property. All feeder streams and wetlands are located within the Broad Brook Reservoir. The applicant has done its best to limit disturbance to these areas which approach feeder streams. The original graphics show the coverages of the property, grass areas, clearing in lot #5, and anything beyond this would require extensive clearing and removal of significant vegetation.

Mr. McEvoy said the development, as proposed, conforms to the subdivision regulations except for the sidewalk waiver. The location of the roadway, cul-de-sac and sidewalk is appropriate for the neighborhood. Any future right-of-way extension or roadway extension will have an environmental impact on the development as proposed.

Going back to the grading, Mr. Linder asked the slopes being at least 15%.

Stating that is correct, Mr. McEvoy said there is identification of slopes exceeding 15%, and they require special consideration from the Commission.

Mr. Linder asked about the blue colored area being wetlands, and the brook close to it.

Mr. McEvoy said the stream is south of the subject property, runs through the lots, flows to the north to the Broad Brook Reservoir.

Because the public hearing will be continued, Mr. Voelker requested the applicant to provide information on maximum slopes at the next public hearing.

Mr. Veleber asked about the difference between the two proposals/extensions.

The difference is the impact on the proposed development and Mr. McEvoy said this is in terms of providing extension to the Watts property. Further to the east, on the other plan, shows potential grading effects to meet town road standards and impact on lot #5. The roadway on the westerly location would eliminate lot #4, and would not conform to the minimum size under zoning regulations.

Mr. Veleber asked about building this extension, and 6,000 cu.yds. coming in, and if this comes from in from outside, or is it available from on site development.

Mr. McEvoy said this is not proposed, but the material would have to be imported.

Mr. Strollo said this would be about 400 truck loads.

The elevation is being based on potential road way extension of 10% maximum grade, and Mr. McEvoy said this would be close to where the house for lot #5 is shown on the plans. It gives an idea of how much fill would have to be brought in.

Mr. Veleber asked about the height of the extension versus the height of where it would enter the adjoining property, and the difference.

Mr. McEvoy said it would require extending the grade and a lot of work. The difference between the cul-de-sac and wetlands is about 90 feet, and the cul-de-sac meets existing grade. The length of the extension would be 600 feet.

The sidewalk waiver issue was raised by Mr. Jinks.

Mr. McEvoy said the sidewalk picks up at lot #3, and it goes from the cul-de-sac on the north side to Coleman Road. He pointed out the sidewalk on the plans.

Mr. Natale asked about the length of the sidewalk at lot #7 and Coleman Road and lot #2 to Coleman Road.

In reply, Mr. McEvoy cited 750 feet for lot #7, and about 450-500 feet for lot #2.

Mr. Jinks asked about special precautions for the Broad Brook Watershed area.

There are no activities proposed within 50 feet of wetlands or water courses and Mr. McEvoy said there is protection of more than 50 feet. There is no activity within 50 feet of wetlands or water courses, and the applicant is trying to minimize the amount of clearing. The vast amount of improvements is in areas of the grazing land.

On the colored plans, the dark green is forested areas. HOA is responsible for maintenance of the storm water management basin.

Town Planner Voelker read comments from the Town Engineer dated June 8, 2017 and from the City of Meriden Water Department dated June 8, 2017. They were made part of the record.

Attorney Fazzone pointed out that IWW approval, condition #3, requires the applicant go back to IWW for specific site plan approvals, and Meriden Water Dept. be so notified with opportunity to speak.

Mr. Fazzone said we are dealing with two separate sections of the subdivision regulations. #1 – is whether to allow a cul-de-sac; it deals with traffic now and in the future; the regulation talks about being in harmony with existing street and relationship to collective streets in the area. The proposed cul-de-sac would be a local street; the area has Ashland Court and Philson Court, both cul-de-sacs without extensions into existing areas. The proposed cul-de-sac is in keeping with the neighborhood; it has access by way of Coleman Road to Wallingford Road, and Coleman to Half Moon Road, and Cook Hill Road...both listed as collector roads in the POCD.

Mr. Fazzone drove the distances from the subject property to Cook Hill collector road, and it is 1.2 miles; to Wallingford Road it is .06 miles. He reviewed the GIS maps and highlighted Coleman Road and access to these two roads. Both sections of the regulations discuss compliance and following the POCD. Mr. Fazzone went through the POCD and made an outline/index and submitted copies of the POCD relative to this application.

The POCD says there is less good developable land left in Cheshire, and the old plan makes a statement that cul-de-sacs are to be required or extensions required. There should be modification for two areas – environmental features and factors with respect to these areas.

The first area would be 600 feet from the end of the cul-de-sac to the border of the Watts property. There could be consideration of extension of the cul-de-sac based on that portion of the property alone; it is in the Broad Brook Watershed; the amount of land disturbance required by extending the road to that point; the amount of fill required; consideration of the steep slopes in this 600 foot area; and the extension causes house #5 to be removed further away with further grading required, and disturbance to the property.

The second consideration is the natural features of the land that is developable if PZC requires the extension or right-of-way into the Watts land; consideration of that land which is now forested; that land is within the Broad Brook Reservoir; there are steep slopes on the property which have to be disturbed and traversed to put in the road. Attorney Fazzone pointed out that Mr. McEvoy mentioned that the logical extension of

the road through the Watts property would go to the stub left off Tamarack Road. There is an alternative that involves the plan (red color); the white areas are flatter land not exceeding the slopes; it is not allowed to put a cul-de-sac in any area because it exceeds 1,700 feet of length allowed under the regulations for a cul-de-sac in R-80 zone. Similarly, with the road connected to Tamarack Road, it is an average of 270 elevation, requiring getting down to the lowest point (pointed out on the plans) at 200 feet elevation, and this is a 70% drop in elevation.

Per the regulation which says a cul-de-sac may be permitted is the requirement to comply with Section 5.6.1, the number of units allowed on a cul-de-sac, in R-80 zone, which is 16. The applicant proposes 6 units; the length of the cul-de-sac is 1,700 l. ft. and the applicant proposes 850 l.ft. Section 5.6.3 deals with the road being built to town specifications. Section 5.6.4 is not applicable to this case as it deals with situation where the landowner is proposing a cul-de-sac on land he owns and over which he has control...it is a temporary cul-de-sac leading into other land owned by the developer.

Rendering of the subdivision was displayed by Attorney Fazzone. He talked about the road, logical crossing of the wetlands, sight lines shown on the subdivision map, the town only allowing 50 feet of strip of land for the roadway. On the plans he pointed out lot #7; the road connected to lot #5; sidewalk of about 700 feet if the developer was required to build it.

Attorney Fazzone talked about the traffic study done by Mr. Sullivan. The study cites traffic coming in and out of the subdivision being minimal; the intersection is safe; it is consistent with a neighborhood; and any other questions about the traffic could be addressed by the engineer at the next meeting.

Mr. Voelker stated that police, fire, engineering will review the traffic study conclusions and report to the commission.

In terms of safety, Mr. Fazzone noted sections of the regulations limit the length of the cul-de-sac and number of units, and they are primarily for fire safety and emergency access.

PUBLIC COMMENTS AND QUESTIONS

Dennis Waz, Director, Meriden Public Utilities, Meriden CT, submitted a letter to the Commission about the subject application which is part of the record. His review was of the Coleman subdivision only and its impact on the water system. He represents the City of Meriden and protection of the public water supply by any development.

Vincent Masciana, 643 Tamarack Road, submitted two photographs of his property. The proposed Apex Development is to the left of his house; his house and other houses about the Watts property; his property is where the Apex and Watts properties meet; and the proposed road extension will wrap around his house. Mr.Masciana is opposed to any consideration of an easement to the Watts property for a potential road to be built.

He cited his reasons for opposition. There is a well established and active wetlands system as shown on the photograph of his side lawn which cannot be mowed in spring time due to being wet. The Commission must err on the side of caution with respect to the public water supply. Mr. Masciana's second point related to granting an easement, adversely affecting his property and that of neighbors; granting an easement will result in Apex potentially shifting a house, septic, driveway locations, and negatively impacting the wetlands; there will be increased drainage on his and neighbors properties; granting the easement would make his rear lot less attractive to a potential buyer, and be harmful to his home in the future.

Based on the environmental sensitivity of the property Mr. Masciana does not believe it is realistic for a road to be built. He requested the Commission be judicious in its decision making so as not to affect the potential value of any homeowners. He pointed out that the Watts property is fully accessible from Wallingford Road and has an active driveway. Mr. Masciana stated granting the easement to the Watts property has passed; there is a well established neighborhood and homes on Tamarack Road, Philson Court and Windermere Court which should not be subject to any potential economic loss that a road easement would create. In 2015, the PZC approved the Apex subdivision application without the roadway easement. Mr. Masciana requested the Commission to do the same with the current application, without any easement approved, if it is requested.

Lyn Moruzzi, 636 Tudor Drive, said her position has not changed since 2015, and she has concerns about the negative impact on the neighborhood, the Meriden water supply, preservation of the environment, protection of the wildlife/aquifer zone/a quiet street, and desire to not have the town overbuilt. She and her husband oppose this development.

At the last public hearing, Mr. Veleber noted that Mr. Waz cited his testimony, and he asked if Mr. Waz would do so again for the record.

Mr. Waz submitted his comments about the development of the Watts property, and said he has serious concerns about development of this property, as Meriden abuts this property with a 50 acre parcel of land. There are feeder streams and wetlands in the area. Any development in this area will impact the public water supply, and Mr. Waz will continue discussions with Mr. McEvoy as the matter continues.

Attorney Fazzone said he has been reluctant to make prior transcript part of the record of this application due to the significant changes to the two sections of the regulations being dealt with.

Ms. Moruzzi clarified her earlier statement. She has opposition to the Watts property development, not the Apex Development application.

Diane Colechia, 647 Tamarack Road, lives in her home for 18 years, and is opposed to the easement to the Watts property. She raised the same concerns in 2014 and 2015 meetings, and the easement being incorporated into this application. She asked how to enter all the comments from neighbors into the current application.

Town Planner Voelker said she can e-mail any documentation to the Planning Department to be included in the record.

Sarah Buell, 634 Tamarack Road, said many people thought they would have to repeat their comments from the last public hearings. She and her husband are against the cul-de-sac being extended; they want a closed cul-de-sac as Apex is requesting. She submitted two pieces of paper concerning property now owned by Mr. Watts, which has changed hands a few times. Ms. Buell read the transfers of the property, at 825 Wallingford Road, over the years into the record. She said the property behind Tamarack is not buildable and should not be built on.

THE PUBLIC HEARING WAS CONTINUED TO JUNE 26, 2017.

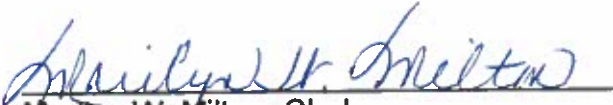
VI. ADJOURNMENT

MOTION by Mr. Veleber; seconded by Mr. Jinks.

MOVED to adjourn the public hearing at 8:50 p.m.

VOTE The motion passed unanimously by those present.

Attest:


Marilyn W. Milton, Clerk