

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, JULY 10, 2017 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

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Present

Earl J. Kurtz III, Chairman; Sean Stollo, Vice Chairman; Members: S. Woody Dawson, John Kardaras, Vincent Lentini, Gil Linder, Louis Todisco.

Absent: Edward Gaudio and David Veleber.

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**

Town Planner Voelker read the call of public hearings.

- 1. Zone Text Change Petition  
Cheshire Medical Associates, LLC  
To amend Section 45.7.2 Time Limitation**

**PH 7/10/17  
MAD 9/13/17**

Town Planner Voelker read the Planning Department staff report into the record of the meeting.

Attorney Anthony Fazzone, 2 Olde Town Road, represented the applicant. He corrected paragraph #3 of his letter of July 6<sup>th</sup>, stating it should read “could be completed within that time frame.” The staff report is complete. Attorney Fazzone stated that the Cheshire regulations for special permit regulations and site plan applications give the applicant five years to complete a project, as does CGS 8-3 which has a five year period which controls site plans. Based on the downturn in the economy, he said the Legislature keeps changing the statute to seven years and nine years for project completion. His client’s experience with S.D.D. does require a full site plan approval. Full working drawings from the plans to actual construction drawings presented to the Building Department could take as long as a year, given that tenant input is required.

Mr. Voelker read comments from SCRCOG, dated 7/5/17, into the record.

Mr. Natale asked about the time frame extension, with an applicant going three years and then asking for an extension.

There is no time limit and Mr. Voelker said there could be financing involved, looking for an extension in place. There could be a tenant who wants to see the extension in place. He does not recommend the Commission put any limits on these.

Attorney Fazzone stated that financing is one of the bigger considerations. If the applicant is going for a mortgage, knowing the project cannot be done in two years, the lender would be less than secure with the applicant going back for an extension.

THE PUBLIC HEARING WAS CLOSED.

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| <p><b>2.     <u>Waiver Request of Clearview Farm Preserve</u><br/><u>Mountain Road/Cornwall Avenue</u><br/>Pursuant to Section 11.1<br/><u>VariANCES or Waivers of Regulations</u><br/>Requesting a waiver of Section 6.5 Intersections</b></p> | <p><b>PH 7/10/17<br/>MAD 9/13/17</b></p> |
| <p><b>3.     <u>Resubdivision Application</u><br/><u>Clearview Farm Preserve, LLC</u><br/><u>Cornwall Avenue/Mountain Road</u><br/>12-lots</b></p>  | <p><b>PH 7/10/17<br/>MAD 9/13/17</b></p> |

Attorney Anthony Fazzone, 2 Old Towne, represented the applicant. Ted Hart, P.E. and David Sullivan, P.E. also were present for the application.

The proposed resubdivision location is on Mountain Road; a cul de sac street is proposed; the application is currently before Inland Wetlands and Watercourses Commission (IWW) for modification of the permit that exists today. The primary reason for the modification application is the addition of sidewalks on the western and southern side of the proposed street.

Attorney Fazzone submitted a copy of the 2016 IWW approval into the record. This will be part of the Commission's decision on the request for modification.

The waiver before the Commission is for the street offset requirement. This is for the separation of the proposed street and Sorghum Mill Road, which does not meet the current regulations.

The entire property is about 20 acres; it was the subject of a prior application before the Commission; and 8.5 acres is proposed for development.

The prior application included more lots than the subject application, with the property owner retaining the balance of the property that lies north of the subject property, which is accessed through Cornwall Avenue Extension. During the prior application there was extensive discussion about the dump site on the property. Since that time, the property owner and DEEP have reached an agreement for a closure plan approved by DEEP. Commissioners were given a copy of this plan by the Town Planning Department.

A copy of this plan was entered into the record by Mr. Fazzone.

Chesprocott Health District submitted a feasibility letter approving the septic system layout. This letter is part of the record. The septic system and reserve system for the 11 new lots is located in the same location as the prior application.

Ted Hart, P.E. presented the subdivision application information. This is a 23.1 acre property site; 14.5 acres will be retained by the property owner; 8.6 acres are the subject of the subdivision application; there will be 11 new lots; 43,910 s.f. is the maximum lot size; minimum lot size is 20,125 s.f. The site location is west of Mountain Road and east of North Roaring Brook and State forest up the mountain. To the north and south side are residential areas. The site is generally existing farm field surrounded by woods; the map shows (in green) the open farm field area and the proposed location of the house/lot locations. Mr. Hart pointed out the 50 foot strip of land and prior road roughed in, across Mountain Road to Roaring Brook. This area has some catch basins and drainage system.

On the plans, Mr. Hart pointed out the road crossing Roaring Brook, the 48" culvert, and the contours going past Roaring Brook where the road is located. A 1977 map was displayed showing the design of this road, the 30" pipe coming from Mountain Road to just below the 30" culvert where it discharges. There is a piping system and 4 catch basins along the proposed road for the subdivision. The 1977 plan shows a 12" rcp pipe going underneath the proposed road, in a north/south direction. There have been comments about water coming out of that culvert, and the 1977 plan shows a ditch in the culvert. North Roaring Brook has a flood plain, shown as an #A zone (yellow line). Two different flood plain lines were shown; yellow line is the previous FEMA line; the flood plains were re-mapped and this is the blue line.

Comments were received from the Town Engineer asking the applicant to look at the flood elevations in this area. An HEC-RAS model has been done because FEMA did not study this area, but drew the flood plain based on the contours. The FEMA model was used, and Mr. Hart said he came up with a revised flood plain map. On the map the flood plain can be seen as much narrower, and shows a 168 acre water shed. A 100 year flood is 178 CFS; the 48" pipe carries 133 CFS; approximately 145 CFS goes right over the top; most of the water goes through the 48" culvert, some goes over the top, and continues on down. The channel below the culvert was man made and installed, goes straight and is channelized, and has high capacity to carry flood waters.

The property is not located in an aquifer protection zone; it is in the Willow Brook watershed.

Regional Water Authority - Ron Walters has been contacted; there are no RWA concerns with the development of the subdivision; and Mr. Walters will submit a written report for the record.

Mr. Hart stated the proposed development is an R-20 subdivision of 12 lots; 11 new lots; 1 lot, #12 remains with the current owners; 990 foot cul de sac is proposed; a new road follows the old road bed to the storm water basins in the open field (pointed out on the map). Four (4) foot sidewalks are proposed on both sides; 11 houses will have public water and septic systems. The Chesprocott approval letter has been received. The soils on the site are very good, are silt loam with gravel underneath the top soil area.

Storm water management plan – Mr. Hart said the storm water basin is designed to collect water from the cul de sac road, treat it before it is released. This plan takes about two acres which would have gone to the south and east in the direction of Mountain Road. This plan shows the area (red) about two acres normally going to the east and south, picked up in the road drainage system, taken to the storm water basin, and discharged just over the 48” culvert. On the plans he pointed out the basins.

All driveways will be towards the new road; lawns will slope to the road; storm water runoff from the lot frontage goes to the road and storm water basin. There is zero increase in runoff and provision of water quality renovation. The soil is well drained, and it is expected there will be some infiltration of the storm water before it discharges. The storm water basin is primarily a storm water treatment device designed by DEEP. This device is used due to its acceptable performance and longevity in the field.

Soil Erosion Control Plan has been provided. The construction entrance is just past the two existing driveways and paved area. Soil stock piles and silt fencing will be provided. Mr. Hart pointed out the temporary berm and swale to be removed before end of construction. A storm water catch basin has also been provided.

David Sullivan, P.E. presented information on the traffic study for the subject development. The prior study was updated and submitted for this application. The traffic study looked at speeds on Mountain Road which is an important issue, and the analysis was updated with less units and different access. The development will be 11 lots, with a single access point. Speed limit on Mountain Road is 25 mph; past and current studies found the speed to be higher; in the southbound direction 85th percentile speed is 39 mph; northbound is 41 mph; 85<sup>th</sup> percentile is used to design sight lines and is used by DOT. It means 85% of traffic is traveling at this speed or less.

Sight Access – the proposed cul de sac is about 140 ft. offset from Sorghum Mill Road. On the plans it shows the additional pedestrian features; sidewalks coming up both

sides of the cul de sac to Mountain Road; a cross walk across the cul de sac road; and a cross walk across Mountain Road; there will be cross walk signage. A sidewalk will be added to connect with the existing sidewalk system. This gives pedestrian flow from the subdivision along Mountain Road to Cornwall Avenue for access to the school. The prior application had access to Cornwall Extension, and it was recommended to have some pedestrian improvements. The property owner is still willing to do this improvement at the intersection further up.

Sight Lines – Mr. Sullivan said the first thing was to indicate and find out and insure there were safe sight lines out of the development. This was based on the 85<sup>th</sup> percentile speed, and DOT requirements to determine the sight lines.

The current traffic report was submitted for the record. It includes improvements, sight lines, and what is required for various speeds. To the right on Mountain Road, it is 456 feet requirement; available sight distance is over 700 feet, adequate for over 60 mph. Looking to the left, at 39 mph, the sight line is 434 feet; 50 mph sight distance is 500 feet. The location of the driveway has good sight lines.

The applicant was asked to not locate the new road opposite Sorghum Mill Road. The biggest thing found for this driveway location, looking to the left, there is a sight line restriction, and it could not meet the minimum requirements without going over the property of other people. The proposed location is superior. The study looked at traffic coming out of Sorghum Mill Road and traffic anticipated out of the applicant's road to see if there was any conflict because of the 140 foot offset. The left turn from both streets would be very small, and conflicts will be non-existent.

Cul De Sac – tests were done. One, was whether it posed any danger to public safety. It was looked at for efficient and safety operation, and it will be a safe location. Good levels of service are anticipated.

Second was “character” of the cul de sac fitting in with the road and hierarchy of the road system in this area. It is consistent with the neighborhood; there is a similar cul de sac in the area, at Barkledge Court, which directly accesses Mountain Road, and has the same number of homes.

Third – was it consistent with the road system hierarchy. Access onto Mountain Road gives direct access to collective streets, and it fits in with the character and hierarchy standpoint.

Fourth – the study looked at future benefit to extend the cul de sac in any direction. The only logical direction would be north, and no benefit was seen for this cul de sac or other area roads to be extended.

Traffic Volume – Mr. Hart said the study was done in March 2016 for speed count and traffic generation for the 11 units. 17 total vehicles in and out in the a.m. peak hour;

p.m. peak hour shows 14 trips, mostly in; these were added to the traffic stream, and levels A and B would result.

In summary, Mr. Hart reviewed the key things looked at in the study. The cul de sac is in character and in harmony with the area and other types of roads and the town's plans for hierarchy of roads. It is a perfect place for a cul de sac. It is safe, convenient to the level of service A entering and exiting the site.

#### Commission Comments and Questions

Mr. Natale said the prior application mentioned the area south of #11 being deeded to the town, and asked if this was still the case. He asked about sidewalks going down both sides of Mountain Road, and who is responsible for maintenance.

Attorney Fazzone replied that due to inclusion of the sidewalk and attempt not to exceed runoff levels with the impervious surface there is no provision for the six parking spaces. He said individual lot owners are responsible for sidewalk maintenance, with the open space area the responsibility of the homeowner's association.

Town Planner Voelker read Engineering Department comments dated June 28, 2017, into the record.

Based on that suggestion, Mr. Fazzone said it is the intention of the applicant to file a request for waiver of sidewalks on that side of the street where it goes down by the wetlands and area cited by Mr. Nolte. The applicant's position and application on this will be reviewed at the next public hearing. Regarding the effect of the 100 year storm on the road, this was a point which Mr. Hart made with the flood plain map.

Mr. Hart responded to the engineer's comment about the flood plain, stating that the storm water and flood waters down Roaring Brook pass through the culvert and go back into the channel. On the map, he noted some back water in the low wetland area that comes back towards the road, but does not cross the road. The lowest point in the road is about 2 feet higher than the flood waters. He pointed out cross section #4 on the map, with elevation of 180.6 feet; the low point is 182 feet; the road is 2 feet higher than flood waters.

On the revised flood plain map and FEMA map, Mr. Natale asked about FEMA accepting the revision or if it will affect homeowners with flooding and flood insurance.

Mr. Hart replied "no", and referred back to the two different flood plains over the last few years. They are shown on the site plan. The reason it is narrower is due to request of the town engineer. FEMA's main concern is providing insurance to homes. These homes on the west side of the new cul de sac are outside the old flood plain lines and new flood plain lines.

Regarding sidewalks, Mr. Natale asked about a waiver for the other side of the street, HOA responsibility for open space sidewalks, how much sidewalk is being gained by Joan Smallwood, were there conversations with her, and her responsibility for the sidewalk.

According to Mr. Hart, it is 200 feet. Dr. Smallwood will not have responsibility for the sidewalk, and there have been conversations with the applicant and Dr. Smallwood.

Attorney Fazzone said there have been numerous attempts at conversations with Dr. Smallwood, who has declined any attempt to allow regrading, due to her problems with the small drainage pipe which originates in her back yard, going to the Dell back yard. There have been no further conversations due to her position. Mr. Fazzone will be introducing an exhibit showing the Dr. Smallwood and Mr. Dell knew the potential for this strip of land to become a public road.

For the cul de sac Mr. Natale asked for the rationale of having a permanent cul de sac versus a temporary one, with potential for further development on an adjacent property serviced by Cornwall Extension, not up to town standards.

On the site development plan, Mr. Fazzone pointed out the subdivision property line, the area of the dump site at the low point on the property, with changes in elevation from 186 feet (or lower) to 208 feet. The logical way is to go to the top of the ridge, hug the ridge to get over to the remaining property. A 50 foot wide road would leave no land on which to do any building to the west. On the plans, the black line is the upland review area. In the IWW approval there is also a non-encroachment line to protect Roaring Brook.

Mr. Fazzone reviewed a map which showed the number of feet from the end of the cul de sac to the Cornwall Extension being 1000 feet. Anyone proposing to do anything in this area would be legally required to improve Cornwall Avenue Extension. He noted Mr. Sullivan stated there would be no operational benefit to either street.

Mr. Todisco asked about the revised flood plain mapping, and his correct understanding that because the flood plain is now more narrow, a smaller area of this property is subject to being flooded in a 100 year storm...than what was formerly thought to be the case.

In reply, Mr. Hart said that was correct. A detailed analysis has been done; old FEMA maps go back to 1979 and FEMA drew something without doing an analysis; and the applicant did a detailed analysis showing a much narrow flood plain.

Mr. Todisco said the flood plain is better for property owners than originally thought in terms of flood.

The FEMA lines are still in place and Mr. Hart said there are no plans to revise them. This is not necessary, because these houses would not be impacted by flood insurance.

Mr. Todisco asked about the mentioning of a storm water treatment basin off to the side of the property, if this basin requires maintenance regularly.

It does require some maintenance, and Mr. Hart said it is usually 5 to 10 year maintenance.

With regard to an HOA, Mr. Todisco asked if it has been established.

The Commission was told by Mr. Fazzone that an HOA will be established. He submitted a copy of the proposed HOA form (Declaration of Easements, Preservations, Restrictions and Covenants) which was developed between Mr. Fazzone, Town Attorney Smith, and town engineer. Every homeowner must become a member of the HOA. The document includes a detailed plan on frequent maintenance, and specifically refers to each and every component of the storm water basin and what needs to be done. Copies of the document will be provided to the Commissioners.

The subject application is smaller than the prior one, and Mr. Todisco asked about the property, not part of this application, and if it could have future development or not.

Because of the existence of the dump site, Mr. Fazzone noted the non-encroachment line and width of the road, and said it is doubtful that any of the property (pointed out on the map) could be developed. It is possible, by upgrading some of the area and putting in a cul de sac, there could be some rear lots (pointed out on the map) subject to special permit. They existed in the prior application of 20 lots. Mr. Fazzone said that because of the nature of the area, rolling farm land, there is little clearing associated with the subject application. Based on existing IWW permit and modification of the permit, there will be a non-encroachment line throughout the area, requiring the area closest to Roaring Brook to be left undisturbed.

Waiver for the Offset – Attorney Fazzone distributed copies of documents associated with this request, including copies of the Bens subdivision map, and all the homes along Mountain Road. When this was approved in 1962, a 50 foot strip was left for a potential road to go through.

Deaconwood was developed in the 1970's. Mr. Bens gave Barnett Development an easement through the 50 foot right-of-way. Mr. Fazzone explained the storm water drainage from Deaconwood subdivision, and pointed out the area on the map. Barnett cut out the roadway, installed curbing, drainage, but failed to complete the easement agreement with completion of the road. Sorghum Mill Road exits Mountain Road; the map shows the 50 foot proposed road where the applicant's proposed road in the cul de sac; this was all done in 1974. The basic regulation came about as part of the

subdivision and zoning regulations modified in 1972. On the plans Mr. Fazzone pointed out the open space deeded at Deaconwood which would not be developed.

Mr. Linder lives in the Deaconwood Subdivision, is past president of the HOA, and said the land on either side of Sorghum Mill is open space. The HOA is responsible for plowing sidewalks on both sides of Sorghum Mill and Mountain Road to the north. There is a detention basin in this area. Mr. Linder said in the last application the town was going to take a peak to the culvert to see if it was active.

According to Mr. Fazzone this will be done with the piping in the road to see what the status is. Included in the packet are Town Council minutes accepting Sorghum Mill Road; copy of the deed of the roads to the town, which says conveyance of these roads is together with the easement and right-of-way. At all times the PZC and Town were aware that the Deaconwood map showed a proposed road in this area.

Mr. Linder questioned the purpose of Barnett finishing off this small section of road.

If the road was finished, Mr. Fazzone said it would have encouraged Mr. Bens to come in with a subdivision on the balance of their property, and brought the road to town standards. Mr. Fazzone said he thinks, that in exchange for granting the easement it was part of the payment to Mr. Bens. Many homes were already built on Mountain Road at that time.

Mr. Natale spoke about the Sorghum Mill property, the driveway close to Mountain Road, and concerns about someone turning southbound onto Mountain Road.

According to Mr. Sullivan, a right turn is taken at about 15 mph. Stopping sight distance or visibility is needed of 150 feet for the back of the car. There is 150 feet off to the road; there is plenty of visibility; volumes are low, and chances of problems are small.

Copies of the deeds for the Smallwood and Dell properties were introduced for the record, with copies of easements with respect to the 50 foot strip of land to allow access to Mountain Road. Attorney Fazzone said the deeds specifically refer to this easement, and he read an excerpt from the easement for the record. Their right to the easement ceases if it becomes a town road.

Attorney Fazzone talked about justification for the cul de sac and reasons the application has not shown extension to the property to lead to Cornwall Avenue Extension. He noted that the Cheshire Police or Fire Department have raised issues with the location of the road or safety of the cul de sac. The cul de sac meets the length and number of units allowed. The Police Department specifically agreed the sight lines are more than adequate at the location of the cul de sac.

Mr. Todisco asked for a further presentation on the waiver request. In 1974 Deaconwood was built; now there is access from Deaconwood to Mountain Road; and this creates a need for the waiver request. To get a waiver the situation has to be unusual or a hardship, and he asked how this fits into that language.

Attorney Fazzone commented on a hardship which can arise through a change of the regulations, and the change that created the offset creates the hardship for this application. The hardship is the uniqueness of not having many properties like this one that could be developed. Without the waiver this property cannot be developed. The change in the regulation adopted the 200 foot set off requirement; it was a new regulation in effect in 1972; and without this regulation a waiver would not be requested.

Mr. Todisco said there will be testimony that a waiver will not create an unsafe situation because of where these two roads come together.

This was addressed by Mr. Sullivan in his presentation, and Attorney Fazzone said the cul de sac would have 11 homes, good sight lines, and low traffic volume in the area would not cause a conflict between the turns.

Mr. Todisco said the issue would arise only if cars are turning out of Deaconwood and the proposed road at the same time.

That is correct, and Attorney Fazzone said it would be if both cars were making a left turn. In the traffic study some of the evidence goes to the safety of the intersection for a cul de sac. This is all addressed in the report.

#### PUBLIC COMMENTS AND QUESTIONS

Peter Wilcox, 415 Mountain Road, asked about the minimum distance of a driveway to the intersection/corner and if it is part of the regulations.

Town Planner Voelker advised there are no specific standards for this.

Mr. Wilcox talked about the traffic study, and if sight line distances included the crest and fall of Mountain Road to the south...it climbs up and drops off. He asked about the revised flood plain map, the HEC-RAS model used to modify the FEMA map released a year ago, and its accuracy. He questioned why this map was modified. For the unusual hardship to allow a waiver, he does not see a hardship to allow a development when there are other places for development.

Laurie Wilcox, 415 Mountain Road, asked about the FEMA flood plain of 100 years, the original application showing a pond on lot #21, the dump site, and water going into the current homes on the west end of Mountain Road into front and back yards. These are people currently having flooding issues. She asked about the proposed catch basins and waters coming off the new application, and concerns of waters draining southwardly

from the dump site which has contaminates going into yards of people currently living on Mountain Road.

Ms. Wilcox attended the IWW meeting; mention was made of box turtles being seen on March 15 and May 27, 2015; but these turtles hibernate in March; they are nocturnal and would not be found. She talked about statements on protecting Roaring Brook, and said little is being done to protect Roaring Brook at this time, and there are concerns about contamination with water going into this area. The application states there is a narrower flood plain, but it is only from Deaconwood to the 11 house sites; it is not narrower for people living on Mountain Road; and some people are affected on the new FEMA flood plain. Ms. Wilcox read a statement about the proposed HOA for the applicant, asked who is responsible for protection of Mountain Road residents if the HOA is disbanded, who will foresee runoff, storms, snow removal etc. She submitted a copy of the 2016 IWW application, and copy of the DEEP review of the subject area, and said there is no IWW approval for the new application.

Matthew Dell, 475 Mountain Road, asked about where the snow will be piled up after the town plows the road.

Chairman Kurtz said that information would come from the Public Works Department.

Mr. Dell said snow from Deaconwood is piled at the bottom of the street, and asked about the effect on sight lines in the winter. This is the first time he heard about rcp pipe running perpendicular to the street underground, and he has looked at the historical map(1974 to 1977). His house was built in 1964; this roadway was built in 1970; there is no easement for the drainage; it appears to be deeper than the culvert coming from Deaconwood down into Roaring Brook. He asked why it is there, why it outlets to his property, and his main concern of it getting worse with the new development. Regarding the waiver request for the roadway, Mr. Dell commented on cars speeding around the bend across the double line on Mountain Road, and he will get the actual count percentage for the next meeting. He requested the actual number on impervious surface as part of the development. The new FEMA flood plain maps would be official for new homeowners, and the current maps show encroachment on his property, which has a high water table, has water from snow melting on Mountain Road until this time of year. Mr. Dell submitted photos of his property and water problems.

Mr. Linder left the meeting at 9:20 p.m.

Dr. Joan Smallwood, 469 Mountain Road, noted her property at the north corner of the intersection between Mountain Road and proposed Beachwood Court. She requested presentation of her comments at the next Commission meeting.

Town Planner Voelker suggested submission of her comments, in writing, to the Planning Department.

Dr. Smallwood requested all the communications submitted by residents and interested people from the last application be copied and entered into the current application. She also stated a response about the sidewalk in front of her road, and who is responsible for its maintenance. She is disabled, cannot do the work herself, and cannot afford to pay someone to do the work. Last year the developer told her, if agreed, she would not be responsible for the sidewalk, and the HOA would do the maintenance. Now, this appears to be revoked, and is done as punishment to her. She took great exception to Attorney Fazzone's characterization that she has refused to communicate with him and the developer, and said it was untrue. She has requested multiple time to meet with the engineers, builder, and ask specific questions for answers, get specific information on how this proposal would intercept her property. Dr. Smallwood said she was not allowed to do this; she has been denied, was not given information which is crucial for her to know, before she signs off on any approval to alter her property.

Mr. Dawson pointed out that this is a new application being presented, and the old information is not pertinent.

Attorney Fazzone objected to a wholesale transferring of all the information from the old application to this application. It is a completely different application; it is one-half the number of lots; it does not affect comments from people who did not want to see the Cornwall Avenue Extension improved and drainage going down that way. If people who are protesting want to take out the papers and submit them they have the right to do so...but to say on a wholesale basis to put them into the record is improper as they do not apply to the subject application. Attorney Fazzone did say that Dr. Smallwood met with the town engineer and Mr. Bowman, to look at the situation.

Tom Grimshaw, 470 Riverside Drive, was at the IWW meeting last week, and was under the assumption that the eastern berm put in for a temporary barrier would remain to help protect people along the eastern side where the houses are on Mountain Brook Road. He asked for clarification on this issue. Mr. Grimshaw asked about the road now meeting town standards with the town responsible for sewers, runoff, basins etc.

Mr. Voelker said it is proposed as a town road.

Mr. Grimshaw asked if there is a map for the new application that shows the applicant choosing to extend the 1000 foot road north to Cornwall Extension, where it would be, and how it inter-relate to houses on the cul de sac.

In response, Mr. Voelker said it is not proposed as a temporary cul de sac; it is proposed as a permanent cul de sac; and a temporary cul de sac would show the extension. He reiterated it is proposed as a permanent cul de sac by the applicant.

The main catch basin west of Dr.Smallwood's property with a 4 inch drain in it was raised by Mr. Grimshaw, who asked what would happen with this water if the basin

over-flowed, clogged. This was discussed at the prior hearing, and the danger it poses to children, and needed barrier for protection. If the 11 lots are the same as the previous application, Mr. Grimshaw asked if there is a map showing the boundaries of the toxic dump site, where it would implode and be closest to the proposed houses. He said IWW has no jurisdiction on pesticides runoff, and noted no pesticides are used by people living by the Quinippiac River. Any potential lead leak from the dump site is problematic.

Peter Wilcox cited his concerns about safety of residents on Mountain Road with cars speeding above the 25 mph limit, traffic patterns not slowing down, and another accident on Sunday on the road. The town continues to flatten, leveling and widening this road but traffic patterns do not slow down, and the safety of everyone should be taken into consideration.

Joseph Deugenio, 427 Mountain Road, is a +40 year resident, sees the dump site, saw trucks dumping on the site, affecting the environment and Roaring Brook. He brought up the idea of the town purchasing the subject property, bringing it to a town referendum, to preserve the land for Mountain Road residents. His primary concern is this beautiful area back there, and it being destroyed. He knows the town has bought property before to preserve Cheshire and its land.

THE PUBLIC HEARING WAS CONTINUED TO JULY 24, 2017.

- 4. Specialty Permit Application**  
**Rondo's Realty LLC**  
**1721 Highland Avenue & 1704 Reinhard Road**  
**Expanded Parking Facilities & 4,100 S.F. Building**  
**Addition (restaurant)**  
**Revised from previously approved 3,300S.F. addition**  
**In 2016.**

**PH 7/10/17**  
**MAD 9/13/17**

David Carson, OCC Group, represented the applicant who was before the Commission a year ago with a proposed building and patio extension. The application was for a 3,300 s.f. building addition, and the plans were approved subject to actual building plans. Since that time, the north patio was constructed and there was expansion of the south parking facilities. There has been re-thought as to usage and configuration of the expansion area. The plan before the Commission is for a 4,400 s.f. building addition, wrapping around the existing patio, elimination of a row of parking on the north side of the building, and substantially expanding the parking area to access onto Reinhard Road. The design will improve the overall layout of the site, traffic flow throughout the site, greater volume of parking and use of Reinhard Road. The presented plan complies with all regulatory requirements for setbacks, coverage, parking. Comments were received from both the Planning Department and Town Engineer; they have been addressed; and are incorporated into the current drawings.

Pending receipt of additional comments the applicant will submit completely revised plans.

Mr. Voelker stated the application awaits comments from the Police and Fire Departments. He read Engineering Department comments dated June 28, 2017, into the record.

The Commission was told by Mr. Carson that the applicant has no issues with compliance with the stated comments. On the plans, he pointed out existing driveways, the embankment for a future grass area, and a steep embankment, both of which will be compacted. Mr. Carson pointed out the areas which will be cut back. Site line profiles have been drawn up along with proposed grading work. They will be submitted to the Planning Department in a few days.

Proposed Building Addition – Mr. Carson said the exterior will match the existing building façade; interior walls around the existing patio will be glass; tree shrubs will be maintained; a wood pergola is proposed over the top of the existing seating area near the main entrance. The newer primary entrance of the finished building was pointed out on the plans. Mr. Carson said the new part of the building will have an oval or rectangular shaped bar/lounge area, new bathrooms and kitchen facilities. Existing bar/lounge will be converted to a dining area, and all will be connected.

Exterior landscape – the excellent landscaping continues to grow at the facility, and Mr. Carson said it will be maintained and be attractive. There is a development phasing plan in the set. One reason for going forward at this time without architectural drawings is the need for additional parking when the construction happens. The area for the first phase of construction was pointed out on the plans, and will provide minimal parking for the completed plan. The entire parking lot will have 163 spaces versus current 117 spaces required by the regulations.

Mr. Dawson asked for clarification on coming off Reinhard Road, by the building or coming up by the factory.

Mr. Carson showed the existing landscaper business parking area and driveway entrance. The grade on Reinhard Road and the parking lot are both on grade; test pits were done; there is rock there, but no blasting will be required.

In response to a question about parking spaces, Mr. Carson said the number of parking spaces is now 115 spaces, and it is going to 163 spaces, an additional 48 spaces.

The customer space is increased and Mr. Todisco talked about impossible parking at the facility. With an increase in business space he asked if 48 more spaces is adequate.

According to Mr. Carson the additional 48 spaces is adequate and more than what is required. There will be ample parking for this successful business. Even though there is more square footage, there is provision of different dining options, which are not all utilized at the same time. Square footage and utilization do not necessarily coincide at the same time...the dining room could be 25% full, and the patio almost 100% full.

On the south side of the driveway Mr. Natale said there are spaces being lost.

Mr. Carson said they will be lost, have been there a long time, were grandfathered in, and are not included in the parking space numbers. For "temporary" parking this is for employees, about 20 cars, and is not formal parking.

THE PUBLIC HEARING WAS CLOSED.

- 5. Special Permit Modification**  
**Gardens of Peace Inc.**  
**220 Realty Drive**  
**To renovate existing building to a gathering room**  
**To be used in conjunction with funerals**

**PH 7/10/17**  
**MAD 9/13/17**

Attorney Anthony Fazzone, 2 Olde Town Road, represented the applicant. The cemetery was previously approved, and the subject building was an office building. He pointed out the building on the plans. There is a drop-off in the rear of the building; there is ground level access in the rear; it has newer masonry exterior.

The interior floor plan was displayed, and Mr. Fazzone pointed out that the interior would be a "gathering place" for people to join together before proceeding to a funeral in the cemetery. There is no seating, no serving of refreshments/food, or plans for the lower level, which is now a storage area. No outside lawn maintenance is done, and no equipment is on the site. This is a 30 acre site; there are no wetlands; this is an interior renovation application; there are no additions or services planned. The building is just a gathering site for people to walk with a body to the interment at the cemetery. The applicant wants to spruce up the building. Mr. Fazzone has discussed this application with Mr. Voelker. Each floor is 3,000 s.f.

Regarding this building, Mr. Todisco clarified it is a place for people to gather, to wait on rainy days before start of a burial.

Attorney Fazzone stated they want to spruce up the building and make it look like a cemetery building.

THE PUBLIC HEARING WAS CLOSED.

**VI. ADJOURNMENT**

MOTION by ; seconded by

MOVED to adjourn the public hearing at

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk