

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING/PUBLIC HEARING HELD ON TUESDAY, OCTOBER 24, 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, Louis Todisco.
Alternates – Jim Jinks and Jeff Natale
Absent: Edward Gaudio and Alternates Jon Fischer

I. CALL TO ORDER

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

II. ROLL CALL

The Clerk called the roll and a quorum was determined to be present.

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 each application.

Chairman Kurtz moved agenda item #4 to current status on the agenda.

4. Special Permit Application

Elvira W. Cash

14 Inverness Court

Renewal of special permit for rear

Lots with common driveway

Attorney Matthew Hall represented the applicant. Mr. Hall stated the Commission approved the rear lot with common driveway in 2008-2009 when the subdivision began at 14 Inverness Court. The applicant is requesting renewal of the special permit; the Mylar was filed in a timely fashion; and the special permit has been fulfilled. According to Mr. Hall the statute on special permits is silent, and the applicant is back to the Commission to renew this permit for a five year period. Everything remains the same as with the prior special permit approval.

Mr. Voelker stated there was modification for the rear lot access way due to concerns of a neighbor. Mr. Voelker read comments into the record as follows:

Town Engineering Department dated October 19, 2017

Cheshire Fire Department, Chief Jack Casner, dated October 23, 2017
Cheshire Police Department dated October 20, 2017 and December 4, 2008.

The Commission was told by Attorney Hall that the septic system has been recorded on the land records, and he will check into the fire monitor. Mr. Hall expressed appreciation to the Commission for their consideration of the special permit renewal.

THE PUBLIC HEARING WAS CLOSED.

MOTION by Mr. Veleber; seconded by Mr. Dawson.

MOVED to recess the public hearing at 7:45 p.m.

VOTE The motion passed unanimously by those present.

Chairman Kurtz reconvened the public hearing at 7:49 p.m.

1. **Waiver Request of Section 25.5 Subsection 9 and 11 for Earth Removal, Filling, or Regrading (Waiver Request 25.3.2)
Cheshire Medical Associates LLC
266 and 292 South Main Street**

2. **Earth Removal, Filling or Regrading Permit
Cheshire Medical Associates LLC
266 and 292 South Main Street**

3. **Combined application for Zone Change to and Approval as a Special Development District (S.D.D.)
And Approval of Special Design Project
Westvest Inc.
266 and 292 South Main Street
Cheshire Medical Office Building**

Attorney Anthony Fazzone, Cheshire CT, represented the applicant, Cheshire Medical Associates LLC. Mr. Fazzone stated this is an application pursuant to Section 45 of the Zoning Regulations, specifically for a combined application for zone changes to an approval as a Special Development District (S.D.D.) and approval as a special design

project. There is also an earth removal and regarding application due to the excavation to be done on the site.

The S.D. D. regulations are overlay zone regulations; they apply to certain areas within the central area of town; and allow an applicant owning property in that area to apply for a zone change to S.D.D. The owner can either develop the property on the basis of the underlying zone (C-2 in the subject application) or request special considerations in developing the property. The S.D.D. regulation, together with the Plan of Conservation and Development (POCD or Plan), talk about creating flexibility within the overlay zone for some favorable economic development with this area.

The two subject properties are within the S.D.D. and variants of the project were developed by LADA Associates. In the "Project Narrative" Mr. Fazzone pointed out Exhibit A which shows the S.D.D. map taken from the 1975 POCD. He noted it shows the relationship of the two properties and location within the S.D.D, and these properties are discussed with respect to the town center development.

POCD 2016, Page 4 – special mention is made of these two properties, suggesting flexibility and encouragement to use these two properties. Mr. Fazzone explained the proposed use is a medical building; development of the area is consistent with the POCD to maintain economic health of properties within the town center. The property is located over the RWA South Cheshire Aquifer. RWA was notified of this application, and their response letter is part of the record. The Planning Department and RWA were provided a copy of a letter about ongoing remediation activities with respect to these properties.

Attorney Fazzone stated that John Adams was the author of the report submitted to the PZC, and he has also reviewed all the environment files on behalf of the applicant. The IWW has determined that no application is necessary; there are no wetlands on the site; drainage is to the south of the DunkinDonuts facility property; the applicant has obtained and agreed on an easement with the owner of DunkinDonuts property and repairs to this property. WPCA has granted feasibility approval; the sanitary sewer system and utilities in the area can handle this project; and there was notification to property owners within 500 feet of the boundary of the property, as required by the zone map change.

Under S.D.D. regulations, Mr. Fazzone said the applicant is authorized to ask for relief from regulations in the underlying zone. The applicant is requesting relief in three areas.

C-2 zone building coverage from 20% to 25.

Building height from 40 feet to 55 feet.

Allowed grades in parking from 3% to 5%.

Mr. Dawson asked about the system at DunkinDonuts.

It is a galley system, and will have a zero increase in runoff, and Mr. Fazzone said the site does run off to the southeast corner. Water goes off the subject property to DunkinDonuts, and will be channeled and piped into the plunge below the DunkinDonut site.

Philip Doyle, Land Planner, LADA, P.C. advised that he and Kevin Clark put the site plan together, and a rendering of these plans were placed on display. Mr. Doyle referred to the Project Narrative and Supporting Exhibits, and reviewed the application for the Commissioners.

Mr. Doyle explained this building is located in the center of the two-acre property; it is entirely cleared but for a few trees along the DunkinDonuts property and property line with Old Towne Condominiums; and he noted the setbacks on the plans (colored red). The building is 95 feet from the street; the building is 65 feet from the rear property line; the building will be surrounded with driveway and parking lot system. The site is high on the northern portion; lower along the frontage; has about a 9 foot change of grade; 18 foot change of grade to the rear of the property; and the goal is to balance the site in terms of roof work.

Grading Plan – the permit is written for larger material excavation, but applies to site plan applications. This site has slopes; the building will be placed in the middle; parking lot will be in the rear; there will be a rear and front entrance, and entrance drive in the lower portion of the site.

Traffic Reports – were submitted to the Planning Department; there have been meetings with town staff and State DOT; and a traffic representative will be at the next public hearing. There is a driveway on the south side of the property, and the architect will also be at the next public hearing.

The proposal is for a two-story building; 40,825 sq. ft. in size; the building will be built into the grade; parking will be underneath the building; first floor size 19,967 sq. ft; second floor size 20,858 sq.ft. The applicant has asked for relief in the S.D.D. for parking sections, 3% grade or less, and Mr. Doyle pointed them out on the plans. Handicapped parking areas will be in the rear and to the south; there is a 4 foot cut on the north and 4 foot fill on the south side; 5% is the standard level for grade.

The applicant requests two waivers in the earth work permit. Section 9 – Changing grade by 4 feet, which requires a waiver when working within 40 or 50 feet of an adjoining property. The applicant will be working within 10 to 15 feet of the Dunkin Donuts and 711 properties, and putting a 4 foot retaining wall on each side.

Another relief is sought under Section 11. Forty feet (40') of the north foundation wall running to the east and south; there will be a basement, utilities and parking; there must

be relief to put in the concrete foundation wall; there will be about a 10 foot cut in the earth, and a required construction fence within 50 feet on the property line.

Mr. Doyle noted that the site plan includes a series of drawings, and shows a turning radius for fire trucks, service vehicles, trash removal vehicles, and trash containers located away from the Old Towne recreation area, nearer the DunkinDonuts commercial use.

Planting Plan – There will be a double line of Arbor Vites and Spruce trees on the lower section and one line of plantings on the upper section; a survey of trees close to the property was done; only 5 trees will be taken down for construction of the manhole for discharge of the storm water system. There will be shrubs and grass along the retaining wall as part of the planting plan.

The POCD talks about access management and sidewalks, and there will be sidewalks installed along the frontage with connection to sidewalks at the DunkinDonuts and 711 properties.

On the plans, Mr. Doyle pointed out the easement. Most of the drainage goes in that direction, and the Town Engineer stated something should be done about this and taken care of going forward. The neighbors were approached and there was agreement with DunkinDonuts. IWW stated there is no effect on adjoining properties.

Building Rendering – was shown to the Commissioners. The building will be two stories facing South Main Street; it slopes to the rear due to the 18 foot change in grade; there is a parking lot underneath with 41 cars parking in the basement; total parking for 150 cars. This is a completely medical office facility; 143 parking spaces are needed; usually there is 15% unoccupied parking; some spaces will be used for snow clearing; rear of the building will have the parking garage underneath.

There are two more requests as part of the S.D.D. and they are building height and lot coverage. The proposed building is 19,800 sq.ft. on the ground floor and 20,800 sq.ft. on the second floor. The applicant is requesting 25% lot coverage.

Building Height – without the roof the flat part of the building meets the 40 foot requirement. The applicant looked at the characteristics, shapes and forms of other buildings in the center of town. Everything is peaked roofs; the applicant decided to have peaked roofs in order to look like other buildings, and the site is close to the Historic District. The peaked roof is what pushed the building above the height limit.

It was stated by Mr. Dawson that this is a good idea, otherwise it would be a massive flat roof. He asked what the rear roof would look like.

Mr. Doyle said the back roof would also be peaked. The building is within 60 feet of DunkinDonuts, 711 store, and in the rear is the Old Towne site. The site slopes back to diminish the height of the roof; it looks like a hip roof; utilities are hidden in the center of the roof. The exhibit shows the glass interior lobby on the back of the building.

The applicant met with Old Towne neighbors, and is hopeful to establish a good relationship.

Mr. Strollo commented on the 55 feet also on the back side.

The height is 54 feet, and Mr. Doyle said the proposal on the planting plan, where the building sets down into the hill, is flat, and this is why there is a request for the grade change. Plantings will be all along the parking line with this entire area screened.

With the parking lot down, Mr. Dawson said the condominium tennis courts are lower, and believes everything will work out.

According to Mr. Doyle the driveway to their pool area is even with the applicant's site.

There are two retaining walls and Mr. Kurtz asked why this is necessary...and said the 711 parking lot drops down.

Stating that is correct, Mr. Doyle said the site slopes; the 9 foot change of grade is high to low; the building is in the middle; and they want a good relationship to the road. They tried to balance 4 feet on each side so neighbors do not feel there is an issue.

Kevin Clark, Clark Engineering, New London CT, pointed out that existing utilities are in the street. There is the State drainage system, Town sanitary sewer system, and there will be connection to the sewer system from the building into an existing lateral. The applicant proposes water service connections to the existing lines in the street...one line for domestic water and one for fire service...and a fire hydrant to the rear with Cheshire Fire Department working on the location. There was an initial review by WPCA and RWA and there is sufficient capacity to make connections.

Storm Water Management System – Mr. Clark said DOT has a system in the street, and they are allowing the applicant to take all the roof water from the street into their drainage system. This reduces the area of drainage to the rear of the site. Most of the water drains to the DunkinDonuts and condominium site; flows are reduced; the system is catch basins, pipes, with a sediment removal device. The proposal is for an underground storm water detention system. Because of the location between the building and loft, a concrete system is proposed...3 feet high, 8 feet long, 4 feet wide. Because water runs off the site and overland into the area along the base of the slope the runoff from the site is reduced 40% to the street and back. Reduction to the rear corner is about 70% from a two year to 100 year storm. Coming out of the detention

system there will be a manhole to control the amount of flow. There is a pipe system going into the area where there is an existing discharge from the swale storm water treatment basement. A rip-rap will be installed; water will run off the site as it does now. At the present time there are one or two small runoff areas to the condo property and they will be brought to the location cited on the plans.

Mr. Dawson asked about the parking lot draining in the back.

Stating that is correct, Mr. Clark said calculations have been done, and computations have been given to the Town Engineering staff and DOT.

John Adams, Tetra Tech, licensed Environmental Professional, talked about the site having two parcels...Huxley property, Cinema property and other small buildings. The three issues on the Huxley property have been remediated...underground storage tanks, pumps in front of the property, and 500 gallon waste oil tank and dry wall behind the building. All contaminants have been excavated and taken off-site, about 3,000 tons of material. The cinema 1000 gallon underground oil tank was removed off the site, and ground water was treated. He pointed out these areas on the detailed plans. The properties have been under the DEEP remediation program and process during all this time. The Huxley portion of the property will be under DEEP oversight. The ground water meets the requirements of the Ground Water Protection Criteria. Because the property is located in an aquifer protection area there needs to be cleanup to background. There are traces and small concentrations of some petroleum, some are less or to ¼ standards, but these contaminants are not migrating off the site. There will be monitor wells on the site until there are zero levels in the ground water. According to DEEP the site is available for unrestricted use.

Attorney Fazzone noted the public hearing would be continued, and the architect and engineer will be available for the next hearing date.

PUBLIC COMMENTS AND QUESTIONS

Pat Murphy, 78 Old Towne Road, asked what generates the reduction in the rain water runoff.

In response, Mr. Clark said the reduction in runoff is due to the detention system, which is a large tank. Storm water goes into it as the storm runoff comes through the drainage system. On the outlet side of the tank there is a smaller opening which only allows a certain amount of water to go out. As the water comes in, the tank fills up but does not let the water out at the same rate as coming in...it is a timing event. Mr. Clark clarified that the roof water goes directly into the State system, without any detention, with DOT permission. The application has received verbal authorization from DOT; they are reviewing the design computations submitted; but there is nothing official back from DOT.

Mr. Voelker stated that at a recent meeting, DEEP gave verbal permission.

Without the permission, Mr. Clark said there can still be detention of storm water on the site, as there are capabilities to meet the requirements.

In response to a question from Mr. Dawson about the heating system for the building, Mr. Clark said it will be gas heat. He reiterated that the parking spaces will be 150 total.

Regarding occupancy of the building, Mr. Todisco asked if there will be different medical offices or one large group, and if there will have normal business working hours.

The Commission was told by Mr. Clark that there will be a series of different medical groups, with normal business hours and some Saturday hours. This is a hospital sponsored facility with one major group bringing different practices by function.

Mr. Todisco asked if it would be in town or out of town medical practices.

Mr. Clark replied it will be mostly new businesses in the building.

It was pointed out by Mr. Veleber that Cheshire has the Midstate medical building near the high school, and asked if this building height is similar to that of the proposed building.

They will be about the same context, and Mr. Clark said the Midstate facility and St. Mary's facility are two stories with peaked roofs.

Mr. Natale asked who will be the hospital sponsor, and if the property will pay taxes to the town.

Attorney Fazzone stated the property will be on the tax rolls, is 100% taxable, and the town has incentives for bringing employment into the area.

Mr. Todisco asked how many employees will be working in this building.

Mr. Clark noted this is a three story building; two floors will be occupied; and there is parking level underneath. The garage is hidden in the back. As to number of employees this is unknown, and can vary depending on the medical practices in the building. The CMA partners have developed many office buildings for hospital groups.

Without knowing the number of employees, Mr. Natale asked about being comfortable with 150 parking spaces.

In response, Mr. Clark said the applicant is comfortable with the 150 spaces.

It was stated by Mr. Dawson that anyone interested or concerned about this application can attend the public hearings or review the application in the Planning Department.

THE PUBLIC HEARING WAS CONTINUED TO NOVEMBER 13, 2017.

VI. ADJOURNMENT

MOTION by Mr. Kardaras; seconded by Mr. Dawson.

MOVED to adjourn the public hearing at 8:56 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk