

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING/PUBLIC HEARING HELD ON MONDAY, DECEMBER 11, 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; Members: Edward Gaudio, John Kardaras, Vincent Lentini, Jeff Natale, Louis Todisco. Absent: Gil Linder.
Alternates: Robert Brucato and Robert Anderson
Staff: William Voelker, Town Planner

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

Mr. Voelker read the call of public hearing for each application.

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| 1. Waiver Request of Section 25.5 Subsection 9 and 11 for Earth Removal, Filling, or Regrading (Waiver Request 25.3.2)
<u>Cheshire Medical Associates LLC</u>
266 and 292 South Main Street | PH 10/24/17
PH 11/13/17
PH 11/27/17
PH 12/11/17
MAD 02/14/18 |
| 2. Earth Removal, Filling or Regrading Permit
<u>Cheshire Medical Associates LLC</u>
266 and 292 South Main Street | PH 10/24/17
PH 11/13/17
PH 11/17/17
PH 12/11/17
MAD 02/14/18 |
| 3. Combined application for Zone Change to and Approval as a Special Development District (S.D.D.) and Approval of Special Design Project
<u>Cheshire Medical Associates LLC</u>
266 and 292 South Main Street
Cheshire Medical Office Building | PH 10/24/17
PH 11/13/17
PH 11/27/17
PH 12/11/17
MAD 02/14/18 |

Mr. Voelker noted that the comments of the Cheshire Fire Department were amended to include #7 which reads as follows:

Standpipes will need to be provided in the underground garage and in the stair towers. Approval of the standpipe design will need to be obtained from the Fire Chief during the design phase of the project.

Attorney Anthony Fazzone represented the applicant and stated the applicant would conform with the amended CFD comments.

This is the second public hearing on the application, and Attorney Fazzone noted there was a comprehensive presentation at the November 27th public hearing. The hearing was left open because the application was before the Inland Wetlands & Watercourses Commission (IWW) due to the acquisition of the 7-11 property. The IWW had determined the original application did not require a permit, and also determined the revised plan/application did not require an IWW permit. The file reflects his determination in the letter from Suzanne Simone, Environmental Planner.

The applicant has received a favorable report from the Town Engineering Department based on the additional drainage and impervious surface from the 7-11 site.

The agenda has waiver requests for earth removal and regrading permit. With the revised plans and the 7-11 site, these requests are no longer necessary. For the record, Mr. Fazzone said the applicant withdraws those two waiver requests. He said the earth regrading permit is straight forward and meets all the requirements of the regrading regulations.

All the professionals participating in the presentation of the application were present at this public hearing for questions and comments from the Commissioners and the public.

Phillip Doyle, Landscape Architect, prepared the site plans and planting plans, which have been reviewed by The Beautification Committee (TBC). In the rear of the site there will be a double row of Spruce Trees, continuous hedge of shrubs along the property line. The front of the property there will be flowering shrubs and evergreens, backed up by a row of ornamental grasses. The applicant wants to hide the car bumpers from the street line. Along the street there will also be planting of a variety of disease resistant Elm Trees. The parking lot will have trees similar in shape to Elm trees, a number of narrower Maple trees that grow tight.

Mr. Doyle stated the CFD gave comments on the project to make sure fire trucks can move through the parking lots without tree limbs hitting the trucks.

There will be flowering trees at the entrances along the front and sides of the building, along with flowering shrubs. The back will be framed with shrubs. There is irrigation on

the entire site. The site meets the 10% grading in the parking lot requirements, and the project meets all the landscaping requirements.

It was noted by Mr. Voelker that CFD comments include mountable curbs.

The Fire Marshal has reviewed the computer generated truck movements and Mr. Doyle said CFD gave details on their trucks, and this was built into the computer program. At different radius points on the site, the applicant wants to insure they work. If the CFD wants mountable curbs, they will be done.

Lighting – Mr. Doyle talked about the poles not being higher than 14 feet, with ½ foot candle for safety. There will be low level LED light and they will be dark sky compliant.

There may be one spot on the site for a sign for the medical facility, but this has not yet been determined.

Mr. Lentini asked about the lighting, and if it is on 24 hours.

The lighting is set up for a certain number of poles for security and Mr. Doyle said most of the lighting is off when everyone goes home. About ¼ to 1/3 of the lighting stays on, with the majority turned off.

On the plans in the top left corner, Mr. Stollo asked about encroachment from the neighbor and it looks like a drainage or a tree in that corner.

There is encroachment from the neighbor, and Mr. Doyle said the pavement drains towards the subject property. The applicant's property will be picking up that water as there is no drainage system on the neighboring property...and it has always drained on to the subject property. There is pavement right up to the subject property, and the applicant will not touch the neighbor's property.

Mr. Voelker said the water coming off the neighbor's property is factored into the calculations, and the water will be accepted as has been done historically.

The Town has long range plans for connections and Mr. Doyle said they would be at grade, separated by a few feet. Some shrubs will be left in there.

Mr. Lentini asked about the right turn only exit, and if it would still be possible for a car to turn in there from the south, and if the curb would be low enough for a car to go over.

According to Mr. Doyle it is possible for a car to drive over the curb, which will be a full 6 inch curb...and a car driving over it would be jarred.

Regarding the traffic study, Mr. Gaudio asked about 122 cars going in the a.m. and 182 cars at night...and if it was 60 in the a.m. and 60 in the p.m.

Michael Galante, Traffic Engineer, referred to Table #3 in the Traffic Study, and noted the proposal for the medical building is 96 cars in the a.m. peak hour and 26 cars in the p.m. peak hour, for a total of 122 cars. The afternoon peak has 51 vehicles going into the site and 131 vehicles leaving the site for a total of 182. The 7-11 traffic is removed from the system, which is 53 in the a.m. and 43 in the p.m. for a total of 96 vehicles. The net new traffic to the development is 30 to 40 more trips to the road system.

Stating he lives in this area of town, Mr. Gaudio said there is lots of traffic on South Main Street.

It was stated by Mr. Galante that there is heavy high school traffic in the morning. Table #3 shows the peak hours of the road system, not just the high school traffic. This has been acknowledged and discussed, and the numbers are already purged into the analysis. Mr. Galante said there will be improvement to South Main road system.

Mr. Todisco asked about 150 cars leaving in the afternoon.

Mr. Galante said it is 131 vehicles leaving...combination of patients and staff.

The idea of staggering business times was raised by Mr. Todisco who said this might reduce traffic.

Mr. Galante said that depends on the doctors' hours within the building, people leaving at 5 p.m. and traffic would be spread out over a period of time.

For the left turn lane, Mr. Natale asked if there is anything from the State which shows this is a requirement.

Mr. Galante said the applicant knew it would be a requirement.

The Commission was informed by Mr. Voelker that Mr. Campbell from the State DOT came to one of the meetings, saw the design, and the DOT is satisfied with the traffic plans.

Mr. Natale asked about the requirement on timing of the South Main Street lights and possible meetings with the State about this issue.

It was explained by Mr. Galante that the applicant is waiting for the process for local approval from the Commission. The report has an analysis to coordinate traffic signals through DOT. CONDOT will not give approval and permit until everything is finished at the town level. Then, the applicant can go to the State with a permit application.

Attorney Fazzone prepared appropriate motions for Commission review, and submitted them for the record. The motion for earth removal is straight forward.

Mr. Fazzone said the subject application comes under the S.D.D. section of the regulations, and he referred to extensive revisions to the POCD. The two vacant properties were a portion of the original application and are specifically mentioned in the POCD as parcels to be encouraged to be developed under the S.D.D. to encourage economic development and investment in these two properties. One of the considerations for the Commission in the S.D.D. regulations is whether it conforms or is consistent with the POCD. In the S.D.D. motion, Mr. Fazzone said there are six (6) findings. There are numerous sections in the zoning regulations that the Commission is required to find. This plan is consistent with community facilities, specifically water. The narrative states the RWA states the water service is adequate to serve the building, and sewers have WPCA feasibility approval.

Section 45.6 – there are reports from the Fire Department, Town Engineer, and CPD Traffic Authority; all conditions and recommendations they made have been met; there is adequate on site parking; the applicant has demonstrated through other buildings they have constructed that they are in compliance with parking regulations. Storm water runoff has been minimized; there is a net decrease in runoff from the site; and necessary easements have been agreed upon. The State DOT attended a meeting and agreed the roof drainage from the building met quality standards and could be added to the storm water system and State highway. This decreases the runoff to the Dunkin Donuts site. The design, orientation, materials selected for the building design are consistent with the Town and show the design merit as required.

There was much testimony about the landscaping to the rear of the property, and with the 7-11 acquisition this project relates well to the perimeter edge of the development in terms of scale, setback and the like. Mr. Fazzone pointed out that Mr. Manners, the Architect, extensively reviewed this at the last meeting. There is a requirement that the applicant proposes a special regulation for this S.D.D. There is one in the file; Mr. Fazzone submitted a revised regulation due to acquisition of the 7-11 parcel, and said there is no longer relief required from the 20% lot coverage. The site will now take into consideration the 7-11 and footprint of the building will be under the 20% lot coverage.

Section 45.4.1 – refers to the POCD; it goes back a few years ago when the S.D. D. was formed; the Town set maximum amount of retail development within the Town. The applicant was required to do a computation of where there is a bonus of square footage or developing the property in excess of the underlying zone. The comparison is with the C-3 Zone; the comparison is in the file that dealt with the property when it was without the 7-11 parcel. It showed an increase in the development on the original proposal which would have been allowed in the C-3 Zone. With the new parcel there is 2.59 acres of land with the prior application. With the lower coverage this translates to 2.27 acres of C-3 land. Mr. Fazzone submitted the computation for the file.

Regarding this computation, Mr. Todisco asked about the “equivalent”.

Mr. Fazzone explained the computation, pointing out the C-3 acreage equivalent $2.59 \times .8750 = 2.27$ acres. Each acre has 43,560 sq. ft.; the applicant has a total of 112,800

sq.ft.; 20,858 sq.ft. of coverage is proposed; C-3 zone allows 22,564 sq. ft.; in the C-3 zone for that same acreage it allows 22,564 sq. ft. The proposed lot coverage is 19,743 sq. ft; the equivalent factor is .8750.

Mr. Todisco requested a review of the 3% to 5% grade level on the property.

The Commission received an explanation from Mr. Doyle. There is a requirement under the regulations, somewhat unique to Cheshire, that parking lots be graded to no more than 3%. Most municipalities have a 5% limit. The applicant has requested, in the S.D.D., two separate zone amendments be applied to the property.

Mr. Doyle said one is the slope, with portions of the parking lot at between 3% and 5%. This would be to balance the cuts and fills near the adjacent property lines to be flat, and there will not be retaining walls. With 7-11 site added, the building will maintain a nice grade relationship so the property blends into the former funeral home property. There is more grading flexibility to adjust grades, and the applicant is requesting consideration of all of the grades in this zone.

Regulation 45.6 (j) was cited by Mr. Fazzone, who said this explains the calculation. It tries to keep any one particular site from absorbing an excessive amount of projected retail use.

PUBLIC COMMENTS AND QUESTIONS

Cathleen Devlin, 61 Lanyon Drive, heard about the lighting and understands there are set hours for the facility to be open. She questioned the closing time and suggested a by-pass lane to extend all the way down to the light where there is an extension with Route 10 and Lanyon Drive. She talked about traffic concerns in the area, and the by-pass lane to the light taking care of cars going into DunkinDonuts and Calcagni.

Town Planner Voelker stated the Commission has no ability, under the statute, to do this, and it must be done by DOT. The Commission can only do things under the zoning regulations.

Ms. Devlin stated no one knows how many people will visit the facility, vehicles going in and coming out of the facility. She wants the subject application to be denied, and understands there are three different problems/issues to be waived for the project to be qualified under S.D.D. She cited the girth of the building which is too big for the space; parking; height is an issue that has not been addressed and still exists. Ms. Devlin said the proposed medical facility is too big on too small a space which is why the application is before PZC for a zone change to S.D.D. She said the 7-11 space is merely for parking; it is two C-2 properties into a S.D.D.; and in two meetings there has been no discuss to help vision the size of the building. Ms. Devlin's house is 1,700 sq.ft. on ½ acre of land; the proposed medical facility is 51,000 sq. ft. on 2 acres of land; the applicant is requesting the equivalent of building 7.5 houses on a ½ acres lot; or 30 houses squeezed into 2 acres fronting two lanes of Route 10 next to a busy DunkinDonuts without a traffic light, and 24,000 trips each day. Ms. Devlin said the

Commission cannot make an educated decision on this application without all the material facts, and it does not have them. She questioned who is behind this project, which constitutes a material fact. On November 27th the applicant said there would be an MRI scanner located in the building. There is an MRI scanner at 680 South Main Street, ½ mile south of the proposed facility. Locations of MRI scanners are regulated by the State based on need and public access to avoid duplication of services from this expensive equipment. There is no way the State would approve two scanners within ½ mile, and no Certificate of Need has been filed by the applicant. This means Hartford Health Care, part of Midstate Medical Center, is the hospital group sponsoring this project. If so, this proposed medical facility is the consolidation of other medical offices already operating on Route 10 in Cheshire, not adding new businesses or economic development. These facts are not on the record. If the plan is to consolidate at this site by Hartford Health Care/Midstate offices already on Route 10, then a premium location to businesses has been given up. Nothing is gained but a building out of character with the surrounding neighborhood. The services will increase traffic on a two lane Route 10 road, making life unbearable for neighbors. Ms. Devlin said if this 51,000 sq. ft. medical facility constitutes one stop shopping for medical care, it falls within the definition of a regional shopping center, which is a prohibited use in a S.D.D. She cited Section 45.4 (g). Ms. Devlin said sometimes nothing is better than something, and respectfully requested the application be denied.

Attorney Fazzone commented on the fact that at the last public hearing time was spent by the architect on the height of the building and its context within the area it would be located. When doing the computation on the retail acreage, Mr. Fazzone said that a 50,000 sq. ft. building or series of 50,000 sq. ft. buildings could be built on this property under the C-2 regulations by site plan approval. Using the S.D.D. regulations it can be more consolidated and part of the ability to do that comes from being able to get the height regulation being requested. A building can be built in a C-2 zone with a site plan with a flat roof. In terms of trying to put in a pitched roof, Mr. Fazzone said it is more consistent with this area of Cheshire, and S.D. D. regulations allow this to be done.

Mr. Natale asked parking and possibility of having “no parking” signs in front of the proposed building. With driveway access and egress he said there could be a bottle neck, and asked about working with the State or local police on this issue.

In response, Mr. Fazzone said it would be physically impossible for tractor trailers or buses to park there as it will be curbed. Some of that parking on the property which is the subject of this application. This will not be landscaped out to the State highway line. Many of these vehicles go to DunkinDonuts and 7-11, but this would be up to the local traffic authority, and CPD could make this into a no parking zone.

With regard to the flat roof building in the C-2 zone, Mr. Todisco asked about denying this application, and if the applicant would be able to come back with a flat roof building and retaining walls.

Attorney Fazzone said that is correct. He stated he does not agree with the contention that this is considered a regional shopping center.

There were no further questions or comments. Chairman Kurtz commented on the Commission receiving much information to be reviewed, and the application being on the January 8, 2018 PZC agenda. Chairman Kurtz closed the public hearing.

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| <p>4. Waiver Request – Section 11.1
<u>Michael Krasnovsky</u>
867 Ives Row
Section 5.6.1 of the Subdivision Regulations
TABLED TO JANUARY 8, 2018 PUBLIC HEARING</p> | <p>PH 12/11/17
MAD 02/14/18</p> |
| <p>5. Resubdivision Application
<u>Michael Krasnovsky</u>
867 Ives Row
TABLED TO JANUARY 8, 2018 PUBLIC HEARING</p> | <p>PH 12/11/17
MAD 02/14/18</p> |


VI. ADJOURNMENT

MOTION by Mr. Kardaras; seconded by Mr. Natale.

MOVED to adjourn the public hearing at 8:30 p.m.

VOTE The motion passed unanimously by those present.

Attest:


Marilyn W. Milton, Clerk