

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, MARCH 25, 2019, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Earl J. Kurtz Jr., Chairman; Sean Strollo, Vice Chairman; Jeff Natale, Secretary; Members: Matthew Bowman, Robert Brucato, S. Woody Dawson, John Kardaras, Gil Linder, Louis Todisco.

Alternates: Robert Anderson, Tom Selmont and Donald Walsh

Staff: William Voelker, Town Planner

**I. CALL TO ORDER**

Mr. Kurtz called the public hearing to order at 7:30 p.m.

Mr. Kurtz read the emergency public service notice.

**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**

Mr. Natale read the public hearing notices for the applications.

**1. Amendments to the 2016 Plan of Conservation  
And Development.  
Planning and Zoning Commission (POCD)**

Commissioner Strollo was recused from discussion and/or action on this application.

Mr. Voelker read the following comments into the record:

Letter from David Pelletier, Chairman, Economic Development Commission dated March 18, 2019.

Letter from NVCOG dated March 19, 2019

Letter from CRCOG dated March 18, 2019

Cheshire Town Council Resolution #031219-1.

Mr. Voelker explained that this is an amendment to the POCD which enables the Commission to consider and adopt a specific zoning amendment for the Highland Avenue Design District. There is a connection between the statutory requirements for the POCD and the zoning regulations.

There were no public comments or questions. Chairman Kurtz closed the public hearing on this application.

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| <b>2. Special Permit Application</b>                    | <b>PH 01/28/19</b> |
| <b><u>Royal Vision Management &amp; Investments</u></b> | <b>PH 2/11/19</b>  |
| <b>831 South Main Street</b>                            | <b>PH 2/25/19</b>  |
| <b>Conversion from Motor Vehicle repair use to</b>      | <b>PH 3/11/19</b>  |
| <b>Retail use and parking improvements.</b>             | <b>PH 3/25/19</b>  |
|   | <b>MAD 4/24/19</b> |

The applicant was represented by Jason Davis, A-AIA, QA&M Architecture and Sami Jamal (property owner/applicant).

Mr. Davis advised he is working with Milone & MacBroom on this application and reviewed the architectural improvements to the building and the site. The building was constructed in 1961 as a basic building, stucco over concrete, flat roof, and the original Sunoco signage and banners have been pulled off the building. The applicant wants to take an existing garage facility and convert it to a convenience store, a non-conforming building, with no changes to the foot print.

The Commission was informed by Mr. Davis about the proposed conversion plans. The existing overhead doors and windows will be removed; the base will be filled with masonry with glass above; there will be a front door entrance with overhead canopy; the former office area will be all windows; every surface on this building will be repaired, refinished or retouched. The stone base on the bottom will be 3 feet high, and existing stucco repaired and repainted. The existing roof is not attractive; it will be reworked for roof around the front three sides; 12 foot pitch; architectural shingles; small gable overhang at the entrance and providing some cover.

Through conversations with Milone and MacBroom, Mr. Davis is aware the Commission wanted further development of the roof. This was looked at, and a structural engineer was contacted, who informed the applicant that the roof slopes back and top of the walls step down to the back of the building. A truss roof would require infill, building up the height to top place, and would cost about \$100,000...which was not economically feasible.

Mr. Brucato stated the building is nice looking, and asked about changes to the roof line of the canopy over the gas pump area.

According to Mr. Davis, there are no proposed changes to the gas station island, only the building.

Mr. Natale asked about lighting.

The applicant was told by Mr. Voelker that, by regulation, any replacement lighting must be full cutoff lighting.

Mr. Davis advised that anything for safety (i.e. pedestrian entrance) would be recessed lighting and site lighting.

On the site there are older, rusted lighting poles, and Mr. Natale asked if they would be repaired or replaced.

Mr. Davis cannot speak to the site plan, and will pass this question along to Milone and MacBroom.

Sami Jamal, applicant, informed the Commission that his company, Royal Vision, has facilities in Connecticut, Massachusetts, Rhode Island and Maine. The most recent project was in Danbury. He and his company have extensive experience, and will take the subject property, enhance it, and bring it up to standards for today's market. Mr. Jamal said the lights will be LED on signage and the island. The pumps will be replaced; the canopy will be refurbished; and there will be brand gas company signage. The interior of the store will have new counters, flooring, bathrooms. The older lighting poles will be replaced or repaired; there will be three gas pumps, canopy will be enhanced, all lighting will be LED and energy saving.

Mr. Voelker restated that any lighting replaced must be full cutoff lights.

Mr. Linder commended Mr. Jamal; for improving the architecture and good looking design of the property, which will add to the environment and bring in more customers. He asked if the gas station will be a name brand.

In reply, Mr. Jamal said he is working with different brand companies. This will enable replacement of the pumps, canopy and signage. Regarding hours of operation, Mr. Jamal is uncertain if the town allows 24 hour opening, and if not the hours will be 5 a.m. to 11 p.m. The site will never become a 7-11 store as it is not large enough for this type of operation.

Mr. Voelker noted the regulations limit the square footage to 1,500 for a gas station and convenience store.

Mr. Dawson thanked the applicant for the improvements to the site in this location of town. He said the outside lighting must be shoebox lights that shine down.

The Commission was told by Mr. Jamal that the site will be beautiful with landscaping, flowers, and lighting. The dumpster area will be moved, fenced, and will not be visible to the patrons.

Regarding the signage, Mr. Dawson commented on it needing Beautification Committee approval.

At this time there is no signage proposed and Mr. Voelker stated that it will go to Beautification when it is proposed.

Mr. Dawson wants to make sure about the big signs on the building with sale of items inside the store. He said the town wants to preserve its colonial character, and control of signs is through the Commission with advice of Beautification Committee. He also asked about gas company signage, and flashing lights.

The question of handicapped parking came up and Mr. Jamal said there will be adequate handicapped parking.

Mr. Davis said this is change of use and will have handicapped parking. He briefly reviewed the materials for the building, and said there is limited ability to put extra marketing in the windows.

The plan is to use the same canopy, which will be repaired, and Mr. Jamal said it will be basic LED signage lights.

Chairman Kurtz said the canopy will have digital signs with numbers punched into the computer on gas charges.

Mr. Davis stated that the applicant will get assistance from Mr. Voelker on the lighting.

There were no public comments or questions. The public hearing was closed.

**3. Special Permit Application**  
**Sheela Tummala**  
**95 Higgins Road**  
**Cottage Food Operator**

**PH 3/25/19**  
**MAD 5/29/19**

The applicant, Sheela Tummala, presented her application to the Commission.

Ms. Tummala explained she has gone through the process of getting a food license (CT Consumer Protection) and legal requirements for a cottage food operator. She will be doing home preparation of cultural food products for special occasions and events, and for family, friends and her Temple. These products are not available on the open market. Ms. Tummala has submitted all the documents for a special permit.

Mr. Voelker read a letter from Town Engineer Gancarz dated 3/12/19 into the record.

The Commission was told by Ms. Tummala that this is a small business; she has a full-time job; her passion is for these food products; she will bring them to family, friends and Temple; and no one will be coming to her house.

Mr. Voelker advised this falls under a home occupation, and meets the criteria set forth in the regulations.

This is a great idea and Mr. Linder asked about delivery of these food products to restaurants.

There will be no restaurant business or delivery and Ms. Tummala does not anticipate that happening now...but it could be down the road.

Mr. Voelker said there cannot be a food service establishment under the special permit, and doing so would cross the line...this is not a food service establishment under the regulations. He said State regulations permit selling food on a very limited basis, and the applicant has complied with the regulations. He noted the volume of food product from her home kitchen would not meet restaurant needs, and the Health District would require a commercial kitchen to undertake a food service establishment.

Ms. Tummala stated she is not using a truck or van...just her personal car to bring the products to family and friends. Regarding the "food products" she said there is a list of all the food items, dry sweets and snacks, in the application.

For signage, Mr. Natale asked if there will be outside signs for the food products.

Ms. Tummala said she may have a flyer at the Temple offering her food services.

Mr. Dawson asked about contacting the neighbors, and having people coming and going, and food odors from the cooking.

Stating she has regular home ovens, Ms. Tummala advised she has talked to neighbors, and does not anticipate people coming to her house. She will have food only for special occasions.

The Commission was told by Mr. Voelker that people will not be coming to her house; this is not a retail operation; she will make products and take them to family, friends and the Temple.

Chairman Kurtz read the CGS regulation on cottage food products into the record. He reaffirmed that this is not a retail operation, and if it were expanded it would no longer

be a cottage food operator. The applicant would have to return to PZC for another application.

There are no changes to the outside of the applicant's home, and Mr. Voelker reported that regulations require the residential home to have no changes in any way. He explained these regulations were written around doctors, lawyers, accounts, having business office/operations out of their homes. The applicant will make food and bring it to family and friends...and that is it.

With products being dry foods, Mr. Strollo asked about drying products outside or inside the home, and refrigeration storage.

It was explained by Ms. Tummala that "dry" means no liquid in the product; they do not need refrigeration due to long shelf life; and products will be packaged in plastic containers.

The health department, Chesprocott, was involved in this application, and Mr. Voelker noted this is cited in the staff report. The permit was granted and the department reviewed what is being proposed.

#### PUBLIC COMMENTS AND QUESTIONS

Rob Hammerman, 270 Higgins Road, 20 year resident, welcomed Ms. Tummala to the neighborhood, and said this is a nice home business. All his questions have been answered, but he asked if the applicant must sign off on being aware of the regulations if the special permit is approved.

Chairman Kurtz said the applicant signs off and must follow the regulations.

Chesprocott Health District insures compliance with the health code and Mr. Voelker said there is no permit unless there is compliance.

Regarding the activity at the home, Mr. Hammerman asked about people going in and out, and if money is exchanged for the products/delivery...and if this goes into other regulations.

If there are charges involved, Mr. Voelker advised this is immaterial...it is a home business, and the applicant can give away or receive money for her products. It has nothing to do with the zoning regulations.

This is a residential area and Mr. Hammerman asked if there will be outside indication of a business taking place, and if this is similar to a doctor or lawyer business.

Section 30, Schedule A, 18b was read into the record by Mr. Voelker. This regulation enables establishment of a home business, has been in effect for many years, and was written at the time of doctor, attorneys, accountants having businesses in their homes.

The regulation enables, by special permit, for someone to have a home business in a residential district. Whether there are charges for the service is not within the purview of the PZC.

There were no further questions or comments. The public hearing was closed.

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| <b>4. Special Permit Application</b><br><b><u>Wally Kerrigan, Engineer Greenskies</u></b><br><b>490 Highland Avenue</b><br><b>Installation of two solar carports in the</b><br><b>Police Dept. Parking Lot</b><br><b>In the rear of the building</b> | <b>PH 3/25/19</b><br><b>MAD 5/29/19</b> |
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Mr. Voelker read comments into the record from Cheshire Fire Department (CFD) dated March 18, 2019 and the Engineering Department dated March 6, 2019.

Chris Palmer, Commercial Solar Works (CSW) and Rodney Galton, All Points Technology, represented the applicant.

Chris Palmer, CSW, said his company was engaged to manage, on behalf of Greenskies, which was awarded a contract with Cheshire, to install the solar carport at the Cheshire Police Station (station), and will be tied into the plan.

Mr. Palmer addressed the CFD comments on the disconnect, and said there will be a walk through and filing with the CFD. He pointed out there will be added signs in accordance with the NFP Association code and this will be modified as CFD requires. Site lighting will be improved; there are currently full mounted fixtures without cutoff; and where the canopies will be installed, there will be full cutoff fixtures.

The issue of power generation at CPD, more or less, and percentage was raised by Mr. Stollo.

Mr. Palmer said it will be generating less power. CPD will still be getting power from the utility company will supplemental power from the solar panels. The project is governed by a power-purchase agreement. Cheshire has an agreement with Greenskies to buy power at a fixed kilowatt hour rate over 20 year life span...and this is how savings are generated for the town.

The carport is a structure with solar modules installed on top. There is a dual function for CPD with vehicle parking underneath the structure; there is less are for snow removal and cleaning off police vehicles parked in the carport. On top of the carport will be solar modules gathering power and distributing it back into the police station. It is not a batter system, but there are modules, solar panels, similar to a house roof, and battery storage is not part of the project.

Rodney Galton reviewed the project. There is existing parking to the rear of the police station...the location where the carport will be installed. There is no change to impervious surface. The carport will cover about 36 existing parking spaces; there will be 384 solar panels added; and they will be pitched towards the east.

In accordance with the comments from the Town Engineer, the plans will be revised to reflect an infiltration trench. Mr. Galton said there will be selected tree cutting at the site to eliminate shading to insure the panels operate at peak efficiency. On the plans, he pointed out the trees to be cut down. The panels generate 138,000kw for the CPD.

Mr. Bowman pointed out the building will be about 8,000 S.F. – 20 x 400.

Mr. Galton calculated about 6,000 S.F. covering the existing parking spots. No impervious surface will be added.

With our parking spaces 10'x20', Mr. Bowman said 36 parking spaces is 360'x10'...that is minimum. He noted that Mr. Galton is saying it will be little more than that...i.e. just covering existing parking spaces is 7,200 S.F.

Mr. Voelker noted the application is within the setbacks.

Mr. Galton said the infiltration trench can be revised on the plans to reflect this trench, and it will be requested as a condition of approval. He noted the structure is more than 700 feet away from any jurisdictional area. The height of the carport, on the low side, is 9.5 feet, pitched about 7 degrees, and around 12 feet on the high side. The town released an RFP for this work and the height was listed in the RFP. Mr. Galton has been on site with the Assistant Town Engineer, and this was the agreed upon height. It will enable maintenance vehicles to clear the property with sufficient clearance.

Mr. Strollo questioned the issue of fire trucks entering the area with sufficient height.

According to Mr. Palmer the intent is not for fire trucks to go under the carport. They will be able to access through the driveway, and access the parking spots. There is no impingement on the access drive around the building, and access drive will remain the same.

Mr. Strollo talked about going around the back side of the police station, with this structure along the back parking lot facing Highland School. Coming down the driveway by the Animal Control area, taking a right hand turn, he asked if the corner is sufficient for a large fire truck...and said 12 feet is not enough.

According to Mr. Palmer the height was determine through the award to Greenskies and this is why the height is 9.5 feet.

Mr. Strollo restated his concerns about the height going around the corner, fire truck access, and he wants to see some stakes in this area.

The Commissioners discussed the height issue, fire truck access, and confirmation from the Fire Department about access for apparatus.

Chairman Kurtz stated the public hearing will be held open until April 8<sup>th</sup>, pending CFD review of access to the site with fire trucks.

Mr. Galton stated the solar panels will not be seen from the street as they are pitched towards the rear of the property...the structure will be visible from the street. The trees will be totally removed to insure the solar panels generate as close to peak power as possible.

Chairman Kurtz continued the public hearing to April 8<sup>th</sup>.

## **VI. ADJOURNMENT**

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

MOVED to adjourn the public hearing at 8:36 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk