

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, JULY 8, 2019, 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; Jeff Natale, Secretary;
Members: Robert Brucato, S. Woody Dawson, Gil Linder, Louis Todisco.
Alternates: Robert Anderson and Tom Selmont
Absent: John Kardaras and Donald Walsh

I. CALL TO ORDER

Chairman Kurtz called the public hearing to order at 7:33 p.m.

Chairman 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.

Secretary Natale read the call of public hearing for the applications.

V. BUSINESS

1. **Site plan Application** **MAD 8/27/19**
400 East Johnson Avenue
Warehouse addition with associated
Parking and utilities.

Van Hopson, Milone & MacBroom, 99 Realty Drive, Cheshire CT represented the applicant. Mr. Hopson informed the Commission that the application received IWW approval on July 2nd, and there is no additional information to be added to the record.

There were no comments or questions from the Commissioners or the public.
Chairman Kurtz closed the public hearing.

2. **Zone Text Change Petition** **P.H. 7/8/19**
The Copper Valley Club, Inc. **MAD 9/11/19**
To amend Section 30, Schedule A,
Permitted Uses, Para. 33b. Change
Parking setback for Clubs for golf, tennis,

**Swimming and similar activities from 150'
To 25' with adequate screening.**

Attorney Anthony Fazzino, Two Town Center, Cheshire CT represented the applicant.

The Commission was informed by Attorney Fazzino that Copper Valley Club was originally a swim and tennis club with about 250 members. In the last few years the membership has declined; the swimming activity is discontinued; the facility is now a tennis club of about 100 members; the pool and clubhouse are no longer used; and the applicant must sell off some of the property including the vacant building and unused pool. To do that the applicant cannot meet the 150 foot requirement in the zoning regulations, and seeks to amend the setback from 150 feet to 20 feet from any property line with adequate screening.

The existing regulations require a 200 foot setback for structures (club house, restaurant/bar, pool/locker rooms and similar facilities) and 150 feet for parking and accessory structures when the club is located within a residential zone. If a facility is located in an industrial district then the normal setback requirements are in effect.

Section 30/A/Item 33b – Attorney Fazzino read an excerpt from this section into the record. He noted this is the only reference to the setback for parking areas other than Section 33 itself, which is the zoning regulation for all parking requirements.

Section 33.1 is the “catch-all” of parking except for residential use. He read an excerpt from this section into the record. The most valid comparison would be in Subsection 27 of Schedule 30-A (Use Table) which applies to churches, places of worship, schools, hospitals etc. which can have parking within 20 feet of the residential boundary line.

Section 29A cites “municipal buildings” which can have parking within 20 feet of a residential boundary line.

Subsection 30 of Section 30 says parks and playgrounds in a residential zone are covered by the “catch-all” parking section that requires 20 from the setback from a residential boundary line.

Mr. Fazzino explained that the applicant is requesting the Commission to change the regulation from 150 feet (unique to clubs) to 20 feet with adequate screening. This use is a special permit use and would require a public hearing.

Mr. Voelker read comments from NVCOG dated 6/19/19 into the record.

It was noted by Mr. Voelker that this public hearing will be held open pending responses from regional agencies, per the statutory requirements.

At this time there is a residential development in the area, and there is a parking lot ...and Mr. Bowman asked how close the parking lot is to the property line

According to Mr. Fazzone it is not 150 feet, but more than 20 feet. If the club sells property it would have to come back to the Commission for a modified special permit approval. Mr. Fazzone questioned why this was not an issue when the club sold off land in the past, and believes it was just missed.

It was clarified by Mr. Todisco that the club is selling off certain of its existing property, and he asked if this property would be residentially zoned. He also asked if this property is causing the issue with respect to the 150 feet...once the property is sold it will be within 150 feet of the parking.

The area is zoned R-40. Mr. Fazzone said the distance is significant, and would go down to 20-25 feet. This is the only residential property affected by the change in the subject parcel. The parking lot will be adjacent to one building lot, at least 20 feet from the boundary line of one building.

In that case, Mr. Todisco said the buyer of this property would have opportunity to see what they are getting...if too close, they may not buy the property.

Attorney Fazzone stated that was correct, and there is enough acreage in this R-40 property for three (3) lots.

The definition of "adequate screening" was raised by Mr. Natale.

Mr. Voelker said anything done with the club is by special permit, and at that time the Commission can make the determination of adequate screening. There cannot be focus on the property at this time, as this is a zone change request.

The issue of lighting was raised by Mr. Natale on the property line, and car headlights.

According to Mr. Fazzone it would be the same as with a school building. The Copper Valley Club would be the applicant for the zone text change, and regulations would be changed for golf and tennis clubs. The applicant would be subject to special approval within 20 feet.

It was reaffirmed by Mr. Voelker that the zone text change would apply to tennis and golf clubs.

Mr. Brucato questioned what happens without PZC approval...i.e. the applicant cannot subdivide the property.

Mr. Fazzone does not believe the PZC can grant a waiver, and denial would preclude the plans.

accessory structure, the applicant would agree to this condition and work on something regarding structure size.

The staff recommendation for a garage is 15 feet maximum, and Mr. Voelker said we want the accessory structure to play off the design of the original structure.

There was a brief discussion about the applicant wanting 5 feet for an accessory building, the current minimum 10 feet for parking, with the applicant requesting 5 more feet for the structure and ability to park up to 5 feet from the line. Mr. Milone said the intent is to not only provide structure parking, but provide a more desirable buffer for the property and this would be seen in a special permit application. This would only be in the Planned Residential Infill Development. The structure would be a small garage, not 30 to 40 feet high, but 12-15 feet high, closer to the property line in the district.

Mr. Todisco commented on issues with these structures in the past and said he has concerns.

Most of R-20A is close to other R-20A properties, and Mr. Voelker said the applicant would have more information at the next public hearing. The proposal was to have 5 feet side and rear, and staff recommended not considering the rear. These properties do not have frontage on RT 10 or Highland Avenue and staff recommendation is for smaller buildings.

Mr. Selmont talked about an accessory building of 144 S.F. or smaller. He fears a larger garage with a loft would be built.

Mr. Voelker said that would be a shed, and you cannot build a garage that small. The applicant must come back to the PZC for approval, and will show buildings which are appropriate for the sites. With a 15 foot building, he said you cannot have a loft.

Chairman Kurtz noted the Commission would not allow for anything too big.

The concerns of the Commission will be addressed by Mr. Milone, and he said he would have clearer definitions and clarity on the intent to build garages.

A recommendation was made by Mr. Anderson for stipulations on the structures. R-20A parcels are along RT 10. The discussion is about moving it 5 feet. There are many residential areas, and the structures should be kept within limits.

It was stated by Mr. Bowman that there are many of these structures already built in Cheshire, along older roads (i.e. Maple Avenue, Spring Street), and they are not offensive, with maximum of 15 feet, keeping in character of the original structure. They cannot have living spaces about these garages.

With regard to number of vehicles, Mr. Milone said there could be multiple vehicles.

Town Planner Voelker read comments into the record from the following: SCRCOG dated 7/2/19; NVCOG dated 7/2/19; and RWA dated 7/3/19.

Attorney Anthony Fazzino represented the applicant. He displayed a map from the POCD showing the subject property, the northwest quadrant (intersection of Highland Avenue and I-691) and pointed out the four quadrants. The former W.S. Development on this site did not go forward, and the applicant is proposing the designation of I.S.D.D. be changed. The applicant is reapplying with respect to this, and needs another zone change to I.C.S.D.D. for clarification.

There are two applications before the Commission. One is specifically for the I.C.S.D.D. zone change, and the other references the regulations under which the application should be treated. For practical purposes, the two applications are the same. Much of the information submitted applies to all aspects of the I-C zone.

Board (Steps #1 and #2) – were displayed for the Commission; they were used for the zone text change and will be used for the proposed changes to the special set of regulations which creates the Special Development District in the I-C zone.

There is a two-step process; tonight will focus on step #1; there is no specific project proposed; everything will be related to a special development plan which will provide an idea of what will come in step #2.

Map – shows the zoning area to be changed, property owners within 500 feet listed on the map for notification of the application, and each has received a notice (w/copy of the published legal notice) that the application has been filed.

Application #1 – Subdivision and Resubdivision Plan. This will entail the earth regrading aspect, waivers and talks about existing conditions on the property. The application received WPCA sewer feasibility.

John Milone, P.E. Milone and MacBroom, displayed an aerial photograph of the subject property, and pointed out the following details of the site.

Site Details

- North abuts Southington; River Crest Drive is off RT 322
- West – Dickerman Road

- South – I-691
- East – Highland Avenue/RT 10.
- The property is bisected by the Ten Mile River flowing north to the property
- Up-line area is to the east and south of the river.
- Vegetation is mixed hard woods.
- Some areas are recently cleared with Evergreens on the southern portion of the site
- Existing topographic maps are included in the application; 1 inch = 100 feet; to the north is the Town of Southington; I-691 below the site to the south; RT 10 and Dickerman Road; I-691 ramp exit #3 is the west bound on and off ramp; it abuts the site in the southeastern portion.
- Elevations range from 145 to 160; one high point in the northern corner is at 190;
- Highland Avenue elevation is generally 10 to 170 (southern line).
- Wetlands are shown along the Ten Mile River; they are broad in the southern section and narrower in the northern section; there is an historic aqueduct in the center of the property, with river flowing through it.
- There is a 100 year flood plain (important feature) that extends wider in the southern portion, and close to the wetlands on the southeastern border, and follows the wetlands in the northern portion of the site.
- A few years back there was an excavation constructed (area pointed out on the photo) to insure any flood waters would not be constrained if there were problems with the aqueduct; this area is now mapped as a 100 year flood plain.
- Soils are well drained.
- WPCA feasibility approval has been received to extend the property to the sewer that exists on the south of I-691 and RT 10.
- RWA will extend water to the site (available from Southington and Cheshire).

Subdivision Plan – Mr. Milone reviewed the details of the proposed subdivision, which would allow development of the Master Plan.

- The property will be subdivided into eight (8) lots of various sizes; 1.6 acres to 46.8 acres in size (areas pointed out on the plan).
- A public roadway system is proposed from the RT 10 intersection (at 691 off ramp) into the site, 950feet to a cul de sac, loop extending northerly back out to RT 10 at the northern portion of the site; this road provides access and frontage to all areas.
- Grades on the roadway are fairly gentle, about 2%-4%, one section with 8% grade.
- A 60 foot right-of-way is proposed (as opposed to 50 foot).
- Applicant intends to build a road meeting every aspect of town regulations.
- A green way is proposed on one side of the roadway, a unique feature that ties the development together; a lot of pedestrian traffic is anticipated for this

- roadway; the sidewalk will be on the north and west side of the roadway, tied into trails and parks.
- There will be a pump station on the property; gravity sewer to the pump station; it will tie into the RT 10 existing sewers.
- Water connections can be extended through RWA or Town of Southington.
- Storm drainage system will be an enclosed system, with a single outlet (at point noted on the plans); it is the same site as approved with the prior application (W.S.) with lower flows and velocities. The system is sized to accept drainage from all lots, with exception of lot #3, which will have a separate application and discharge plan.
- All lots will be required to, individually, address the water quality volume for their development.
- There is no proposal for storm water detention(not recommended by practice or State criteria) because it is in the lower third of the river water shed. The Ten Mile River water shed is 20.3 acres at the site.
- There will be standard road control measures; the activity is not significant; it is 5.1 acres of disturbance for the roadway on a 107 acre property.
- The work in the flood plain will be limited, with some cutting and filling.

The applicant is requesting waivers under Section 25 requirements (earth removal, grading operations) for construction of a roadway. The work is slightly over 5.1 acres, and if under 5 acres there would be no waiver requests. With building of the roadway, the site is not changed; no material is being taken off the site; the roadway will be constructed with base material on site.

There will be modification of the traffic light and radius at the entrance to the site, improvements along RT 10, and 2nd access at northern portion with a traffic light proposed. The 2nd light is not required immediately, and is part of the long term project. The applicant will work with the State on these details. There will be no crossing of the river.

Attorney Fazzone advised that the application is before the IWW meeting of July 16th for approval. He noted that one major aspect of Step #1 is presenting a set of special regulations. A document was submitted to the Planning Department and Commission outlining the current requirements and proposed requirements.

Section 48 – Interchange Special Development Project (I.C.S.D.D.)

Attorney Fazzone reviewed the Section 48 information (current and proposed language) and some of the details for the proposal.

Page 2 - The requirements for the I-C Zone was changed from 10 acres to 3 acres, and Mr. Fazzone will correct this in the document. The site will not lend itself to large scale development, and this is why the subdivision application is before the Commission. The property would be divided into smaller lots; the request is for a zone change to

Interchange Special Development Design District; each parcel must comply with these regulations, and is subject to a special permit approval.

The project will be done in phases, different lots and different uses, which will come before the Commission for approval. Each site is called a special development project subject to the 5 year requirement for project completion.

Development Standards – there are changes to these standards; they are less restrictive than current standards; they reflect what the applicant and the engineer feel are necessary to develop the smaller sites.

Pages 3 and 4 – Residential Dimensional Requirements – more residential type requirements have been added and uses included. On the S.D. D. plan everything to the west side of the river is residential; single family - 5 units per acre; multi-family -10 units per acre; a gas station /convenience store is proposed (Section 30, Sch. A. Item 42A) at no more than total of 6,500 S.F. A car dealership is not permitted and no motor vehicle repair is permitted.

The question of the maximum 50 foot building height (page 2) was raised by Mr. Natale.

Mr. Fazzone noted the maximum height allowed in the regulations is 75 feet.

Page 5 – Everything is comparable to the W.S. Development approval, and is in the I-C zone requirements (storage area, waste collection areas etc.).

Page 6 Site Development Strategy - property owners on abutting lots can present a development served by one curb cut, parking for lot #1 might be closer to lot #2 property line. Two buildings closer to the side line are still subject to coverage requirements, but this may allow for less impervious surface and less parking.

Page 7 Parking – Changes were made; parking spaces will be 18 feet long; general parking standards are 9 ft. x 18 ft.

Page 8 – Same general requirements with respect to distance on external property line of 10 feet and street line 20 feet.

Page 11 Residential Parking – 1 space for each one bedroom unit; 1.5 spaces for each two bedroom unit; two spaces for each three bedroom unit. This proposal allows for three bedroom units. The residential development is significant in size to provide for visitor parking.

With regard to parking, Mr. Natale wants two parking spaces for a two bedroom unit.

Page 9 – This section cites maximum height of 40 feet for stand alone lighting, except for pedestrian area and walks which will be 25 feet maximum height. The

Commissioners questioned the 40 foot height, and Mr. Fazzone will discuss this issue with the applicant, and respond at the next meeting. At this time there is no significant site plan, just a general development plan.

Page 12 Landscaping – There will be general landscaping of the site and parking areas (similar to W.S. project); this is all subject to the special permit application for each lot.

Page 15 Signs – The Commission reviewed the signage details, especially the freestanding sign adjacent to RT 691 (business identification, directory sign, or combination of both). The sign dimensions cited are 500 S.F. in area per side, up to 55 Ft. high, and setback of 10 Ft. from I-691 ROW line.

Mr. Brucato said this sign should be scaled back in keeping with the look of the town.

Attorney Fazzone noted the applicant wants to make and keep people aware of what is on the site (I-691 traffic) and attract traffic to the site.

Mr. Natale wants the RT 10 sign, 45 Ft. high, reduced, i.e. to 20 Ft.

The Commission requested the applicant submit examples of comparable sized signs at the next meeting for review.

Page 16 Wall Signage/Building Signage – a subdivision street sign is proposed. With regard to lights, it was noted that if a hotel is built on the site it would have lights at various heights.

Town Planner Voelker pointed out that this is a multi-tenant development proposal, not just one large development. The entrance sign is in the special permit regulations. The Commission will discuss its standards for signs, and requested information and photographs of large signs.

Page 17 E – one freestanding temporary identification sign would identify tenants coming to the development; it would not be a sandwich type sign.

Pages 18 and 19 – these pages identify permitted uses with a broad listing of potential uses for the development.

PUBLIC COMMENTS AND QUESTIONS

Henry Meyerjack, Brookview Place, Plantsville CT asked about the time frame for this project if it is approved.

There is no time frame right now, and Mr. Fazzone noted there is no specific project before the Commission and development could take years.

Tim Pelton, 47 Brookview Place, Plantsville CT asked about the 40 foot high lights and if there are light pollution regulations or ordinances in Cheshire.

Mr. Voelker informed everyone that the free-standing lights must be full cut-off lights, which shine down, not up.

Janet Klatskin, 16 Stony Creek Road, Plantsville CT, asked about the proposed development being on the border of her development.

Attorney Fazzone said this will be shown on the special development plan, and everything on the west side of the river will be residential development.

Ms. Klatskin questioned the location of the Southington/Cheshire boundary line, and if there is an agreement between the two towns on how close a development can be built.

There is no standard agreement between towns, and Mr. Voelker said the plan will have an outline and Commission will decide on the boundary line. The Plantsville residents will be treated as neighbors.

Special Development Plan – Mr. Milone presented the plan to the Commission. He displayed the plan and pointed out specific areas of development and components.

- The development will be a series of compatible uses, tied together with a central vehicular and pedestrian circulation system; it will have key common elements such as signage, parks, and open space.
- The site will have New England architecture; the result will be flexible mixed use development consistent with the character of the town.
- There will be a public roadway system on the eastern portion of the site.
- The site will have a roadside greenway; it will be on one side of the road for enhanced pedestrian usage.
- There will be common signage on Highland Avenue and Dickerman Road; signage to be approved by the Commission.
- Public parks and open space; gateway parklet at the intersection of two roadways (pointed out on the plan); the river overlook park was pointed out on the plans, located in the historical area. A bridge is not in the plans.
- The Ten Mile wetland, open space, and environmental protection area (central portion of the site) will be respected and served with conservation easements.
- A future trail extension is proposed; there will be a roadway system to the Overlook Park, extending out to Dickerman Road and eventually to the Rails to Trails.

The overall concept plan was reviewed with the Commission. There are three major development areas – A/B/C.

A – Commercial/Retail/F&B/Possible future Hotel.

B – Assisted Living and Active Adult – mixed use/residential/assisted living/multi family.

C – Future Residential Development – planned residential/single family/duplex/multi-family living space.

Everything is conceptual and subject to special development application approval.

Mr. Natale asked about the possibility of Plantsville residents having access to the property via walkways.

In response, Mr. Milone does not believe the applicant would have objection to tying these residential units together and this can be explored. He commented on the proposed development as cluster residential which is adjacent to other residential, which is good for everyone.

Mr. Milone reviewed the graphic of the multi-use trail. There is landscaping on one side of the road; 6 foot shoulder; 8 foot walkway; unique landscaping; appropriate pedestrian scale lighting; one crosswalk. The traffic engineer will review and it is possible the applicant can consider larger setbacks for RT 10. The applicant will need to interact with the State of Connecticut on traffic improvements on RT 10, both intersections, the I-691 exit #3 ramp. A letter from the traffic engineer is part of the application. As the project moves along a traffic study will be undertaken.

PUBLIC QUESTIONS AND COMMENTS

Tim Pelton knows this is a conceptual design, and asked if the A/B/C concept is analogous to the time frame of phases 1/2/3.

There is no time line and Mr. Milone explained there are development areas, different uses, and A/B/C is not in conjunction on the development phases.

Attorney Fazzone noted the zone text change language says the projects before the Commission have to substantially comply with the special development plan. This cannot be disregarded, and is why the plan is broken down into sections.

Section C – commercial would be along Highland Avenue.
Residential would be on the other side of the river.
The middle area could have different types of uses.

Mr. Voelker informed the public that there will be notification about applications. People can e mail or call the Planning Department and be placed on the notification list.

Tony DeAngelo, 46 Brookview Place, Plantsville CT, expressed interest in Dickerman Road area, which could have two exits and entrances into the residential development. He asked about improvements to the road by the Town or developer.

Chairman Kurtz replied this would be discussed during the special development plan.

Mr. Voelker stated the road improvements would be the responsibility of the developer, not the Town. The only Town improvements that could be done would come under the TIF plan.

Mr. Brucato asked about water and sewer crossing I-691, under the bridge.

As it is conceived now, Mr. Milone said it would cross I-691, under the bridge, or through the conduit installed under the bridge. There will be a design phase for that, and presented to the Commission.

Chairman Kurtz continued the public hearing to 7/22/19.

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| 9. | Zone Text Change Petition | P.H. 6/10/19 |
| | <u>Planning and Zoning Commission</u> | P.H. 6/24/19 |
| | To amend and add new Section 36, | P.H. 7/8/19 |
| | Highland Avenue Design District | |
| | Regulation and Amend Section 23 | |
| | Definitions-Context Sensitive Design | |
| | And Design Narrative | |

Town Planner Voelker informed the Commission that there were not additional matters for this application.

Chairman Kurtz closed the public hearing.

VI. ADJOURNMENT

MOTION by Mr. Selmont; seconded by Mr. Brucato

MOVED to adjourn the public hearing at 10:01 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk