

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, JULY 22, 2019, IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz III, Chairman; Sean Stollo, Vice Chairman; Members: Robert Brucato, S. Woody Dawson, John Kardaras, Gil Linder, Louis Todisco.
Alternates: Robert Anderson, Tom Selmont and Donald Walsh
Absent: Jeff Natale
Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the regular meeting to order at 9:18 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. ACCEPTANCE OF MINUTES

PUBLIC HEARING JULY 8, 2019 AND SPECIAL MEETING JULY 8, 2019

MOTION by Mr. Bowman; seconded by Mr. Brucato.

MOVED that the Planning and Zoning Commission accept and approve the minutes of the Public Hearing of July 8, 2019 and Special Meeting of July 8, 2019 subject to corrections, additions, deletions.

VOTE The motion passed 8-0-1; Kardaras abstained.

VI. COMMUNICATIONS

- 1. Letter from Sean M. Kimball, Town Manager, dated 7/18/19.
RE: 8-24 Review of the Proposed FY 2019-2020 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget as Required by Section 7-2 of the Town Charter.**

MOTION by Mr. Dawson; seconded by Mr. Brucato.

MOVED that the Planning and Zoning Commission finds that the Proposed Fiscal Year 2019-2020 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget

for the Town of Cheshire is not in conflict with the Plan of Conservation and Development. This shall constitute the Commission's report relative to a review in accordance with Section 8-24 of the Connecticut General Statutes, as required by Section 7-2 of the Town Charter.

Discussion

Mr. Todisco cited his concerns about the Commission's late receipt of the capital budget and plan, review of the document, and approving it.

Mr. Voelker informed the Commissioners that they have 30 days to act on the CEP, and this does not prevent the Council from adopting the CEP.

Following discussion, the motion was withdrawn by Mr. Dawson and Mr. Brucato. No action was taken by the Commission.

VII. BUSINESS

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| <p>1. Zone Text Change Petition
<u>The Copper Valley Club, Inc.</u>
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 20' with adequate screening.</p> | <p>P.H. 7/8/19
P.H. 7/22/19
MAD 9/25/19</p> |
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MOTION by Mr. Bowman; seconded by Mr. Dawson.

MOVED that the Planning and Zoning Commission finds that the proposal to reduce the setback for parking area and accessory buildings from 150 feet to 20 feet with adequate screening for golf, tennis, swimming and similar facilities as amended by the applicant through July 22, 2019 will provide reasonable control to protect the public health, safety, and welfare, and that this proposal is not in conflict with the Cheshire Plan of Conservation and Development and the Commission hereby approves this amendment. The effective date of this action is August 9, 2019.

Discussion

Chairman Kurtz stated his support of this zone text change application.

Mr. Linder said the change brings equality with other uses.

Mr. Todisco said it is better, and calls for screening.

VOTE The motion passed unanimously by those present.

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| 2. Zone Text Change Petition
<u>Core Development LLC</u>
To amend Section 43.8.2.c
Planned Residential Infill Development | P.H. 7/8/19
P.H. 7/22/19
MAD 9/25/19 |
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MOTION by Mr. Anderson; seconded by Mr. Dawson.

MOVED that the Planning and Zoning Commission finds that the proposal to reduce the setback for detached accessory buildings for Infill Development Projects, as amended by the applicant through July 12, 2019, will provide reasonable control to protect the public health, safety, and welfare, and that this proposal is not in conflict with the Cheshire Plan of Conservation and Development and the Commission hereby approves this amendment. The effective date of this action is August 9, 2019.

Discussion

Mr. Todisco stated he was not in favor of approving this application.

Mr. Anderson will support the application, stating it is more in compliance with the character of the town.

Mr. Bowman expressed concerns about lighting, but said this will be addressed in a site plan application.

VOTE The motion passed 8-1-0; Mr. Todisco opposed.

Commissioner Bowman was recused from applications #3 through #7.

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| 3. Subdivision Application
<u>Miller Napolitano Wolf, LLC and Tri-Star</u>
<u>Development LLC.</u>
1953 and 2037 Highland Avenue
I-691 and Dickerman Road – 8 Lots | P.H. 7/8/19
P.H. 7/22/19
MAD 9/25/19 |
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MOTION by Mr. Dawson; seconded by Mr. Brucato.

(a copy of the motion is attached to these minutes).

VOTE The motion passed 8-0-1; Mr. Bowman recused/abstained

Agenda item #7 was moved to current status.

- 4. **Application for Zone Change to Interchange Special Development District**
Miller Napolitano Wolf, LLC and Tri-Star Development LLC.
1953 and 2037 Highland Avenue
I-691 and Dickerman Road
P.H. 7/8/19
P.H. 7/22/19
MAD 9/25/19

- 7. **Zone Map Change Petition**
Miller Napolitano Wolf, LLC and Tri-Star Development LLC.
1953 and 2037 Highland Avenue
I-691 and Dickerman Road
From Interchange Zone (I-C S.D.D.) zone
To Interchange Special Development District
P.H. 7/8/19
P.H. 7/22/19
MAD 9/25/19

The motion is for agenda items #4 and #7.

MOTION by Mr. Dawson; seconded by Mr. Brucato.

A copy of the motion is attached to these minutes.

VOTE The motion passed 8-0-1; Mr. Bowman recused/abstained.

- 5. **Waiver of Request of Section 25.3.2 Subsection 3, 9 and 11 of Section 25.5**
For Earth Removal, Filling or Regrading Permit
Miller Napolitano Wolf, LLC and Tri-Star Development LLC.
1953 and 2037 Highland Avenue
I-691 and Dickerman Road
P.H. 7/8/19
P.H. 7/22/19
MAD 9/25/19

MOTION by Mr. Dawson; seconded by Mr. Strollo.

A copy of the motion is attached to these minutes.

VOTE The motion passed 8-0-1; Mr. Bowman recused/abstained.

- 6. **Earth Removal, Filling or Regrading Permit**
Miller Napolitano Wolf, LLC and Tri-Star Development LLC.
1953 and 2037 Highland Avenue
I-691 and Dickerman Road
P.H. 7/8/19
P.H. 7/22/19
MAD 9/25/19

MOTION by Mr. Dawson; seconded by Mr. Strollo.

A copy of the motion is attached to these minutes.

VOTE The motion passed 8-0-1; Mr. Bowman recused/abstained.

(Mr. Bowman returned to the meeting at 9:40 p.m.)

(Mr. Strollo was recused from application #8)

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| <p>8. Subdivision Application
 <u>Napolitano Dietrich LLC</u>
 360 Patton Drive
 2-Lots</p> | <p>P.H. 7/22/19
 MAD 9/25/19</p> |
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MOTION by Mr. Dawson; seconded by Mr. Bowman.

MOVED that the Planning and Zoning Commission finds that the proposal to create two residential building lots on Patton Drive, as shown on plans entitled "360 Patton Drive Subdivision, Prepared for Napolitano-Dietrich LLC, 360 Patton Drive, Cheshire CT", dated June 28, 2019, are consistent with the requirements of the Cheshire Zoning Regulations and the Cheshire Subdivision Regulations, and hereby approves this application conditioned upon the following:

1. Compliance with comments from the Town Engineer dated July 18, 2019.
2. Compliance with comments from the Regional Water Authority dated July 18, 2019.

Discussion

Mr. Todisco stated that based on testimony from the Town Engineer, and the way this was handled, there will be no increase in runoff. This is a subdivision of two (2) lots.

VOTE The motion passed 8-0-1; Mr. Strollo recused/abstained.

MOTION by Mr. Dawson; seconded by Mr. Anderson.

MOVED that the effective date for applications #3 through #7 is August 9, 2019.

VOTE The motion passed 8-0-1; Mr. Bowman recused/abstained.

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| <p>9. Special Permit Application
 <u>Town of Cheshire</u>
 157 Sandbank Road</p> | <p>P.H. 7/22/19
 MAD 9/25/19</p> |
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**Relocation and Enlargement of
Existing office space.
PUBLIC HEARING CONTINUED TO 9/9/19.**

VIII. NEW BUSINESS

- 1. Resubdivision Application
Paul Falco
Wallingford Road
2-lots
SET FOR PUBLIC HEARING ON 9/9/19**

- 2. Resubdivision Application
Ricci Construction Group Inc.
Crestwood Drive
2-lots
SET FOR PUBLIC HEARING ON 9/9/19**

VI. ADJOURNMENT

MOTION by Mr. Bowman; seconded by Mr. Brucato.

MOVED to adjourn the regular meeting at 9:51 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk

Motion: Subdivision Applications

The Cheshire Planning and Zoning Commission finds that the proposed subdivision as shown on plans entitled "SUBDIVISION PLAN NORTH END PARCEL 1953 HIGHLAND AVENUE, 2037 HIGHLAND AVENUE & MBL: 3-51, CHESHIRE, CONNECTICUT MMI #6731-01 June 17, 2019, Revised through July 16, 2019: EXISTING CONDITIONS PLANS, SCALE 1" = 100'; EX-1 and EX-2 RESUBDIVISION PLAN, SCALE 1" = 100', Sheet 1 of 2 and 2 of 2; SITE DEVELOPMENT PLAN, Scale 1" = 100' Sheet SP-1; ROADWAY PLAN & PROFILE, Scale 1" = 50' H 1" - 5' V RP-1, RP-2 and RP-3; SITE DETAILS, Scale as noted SD-1, SD-2, SD-3, SD-4 and SD-5 are consistent with the requirements set forth within the Cheshire Subdivision Regulations and the Cheshire Zoning Regulations. The Commission takes note of the approval and conditions of the Cheshire Inland Wetlands and Watercourses Commission approval granted on July 16, 2019, and hereby approves this application conditioned upon compliance with the following:

1. Revised comments from the Regional Water Authority dated July 3, 2019.
2. Revised comments from the Town Engineer Revised through July 19, 2019.

Motion: Application for Zone Map Change and Zone Change to Interchange Special Development District

MOVED: After due consideration of the entire record, the Commission finds that the applicant's proposed Zone Map Change, pursuant to Section 70 of the Zoning Regulations, and the Application for Zone Change To Interchange Special Development District with Special Regulations for I-C.S.D.D. and Special Development Plan, pursuant to Section 45.B.6, as shown on plans entitled, "Overall Concept, 1) SPECIAL DEVELOPMENT PLAN NORTH END PARCEL CHESHIRE CONNECTICUT; Scale 1" = 120' by Milone & MacBroom; 2) DEVELOPMENT AREAS; 3) AREA A – REPRESENTATIVE ARCHITECTURAL/DESIGN FEATURES; 4) AREA B – REPRESENTATIVE ARCHITECTURAL/DESIGN FEATURES; 5) AREA C – REPRESENTATIVE ARCHITECTURAL/DESIGN FEATURES; 6) MULTI-USE ROADSIDE GREENWAY; and "MAP SHOWING PROPOSED ZONE CHANGE PREPARED FOR: MILLER NAPOLITANO WOLFF, LLC and TRI-STAR DEVELOPMENT, LLC 1953 HIGHLAND AVENUE, 2037 HIGHLAND AVENUE & MBL: 3-51 CHESHIRE, CONNECTICUT" Sheet Name ZC-1 Scale 1" = 200' Date June 17, 2019 Sheet 01 of 02 and 02 of 02, by Milone & MacBroom meet all of the standards set forth in Section 45.B.6, Subsections a through t Standards and Findings of the Zoning Regulations of the Town of Cheshire; that the Zone Map Change is in the best interests of the Town of Cheshire; and that the Zone Map Change to Interchange Special Development District is consistent with the Town's 2016 Plan of Conservation and Development in that, among other aspects, it: provides for a mixed-use development with context sensitive design on a mixture of smaller sized parcels, promotes a project of high quality, and provides diverse housing opportunities.

Therefore, the Planning and Zoning Commission approve the petition for Zone Map Change and the Application for Zone Change To Interchange Special Development District with Special Regulations for I-C.S.D.D. and Special Development Plan for a change from Interchange Zone to Interchange Zone Special Development District for property located at 1953 and 2037 Highland Avenue, I-691 and Dickerman Road, as shown on the current Assessor's Map No. 3, Lot 51, and Map No. 4, Lot Nos. 6 and 13.

Motion: Earth Removal, Filling or Regrading Permit Waivers:

MOVED: That in accordance with Section 25.3.2 of the Town of Cheshire Zoning Regulations, the Commission, after due consideration of the entire record, including the regrading shown on plans entitled: "SITE DEVELOPMENT PLAN SUBDIVISION PLAN NORTH END PARCEL 1953 HIGHLAND AVENUE, 2037 HIGHLAND AVENUE & MBL: 3-51, CHESHIRE, CONNECTICUT Scale 1" = 100' Date June 17, 2019, Revised through July 16, 2019, Project 6731-01 Sheets 06 of 14, SP-1 by Milone and MacBroom and ROAD PLAN & PROFILE SUBDIVISION PLAN NORTH END PARCEL 1953 HIGHLAND AVENUE, 2037 HIGHLAND AVENUE & MBL: 3-51, CHESHIRE, CONNECTICUT Scale 1" = 50', H 1" = 5' V Sheets 07 and 08 of 14 RP-1, RP-2 and RP-3, finds that the application for waiver of Section 25.5, subsections 3, 9, and 11 will not pose any unreasonable risk to public health or safety and approves the waiver of subsection 3, 9 and 11 of Section 25.5 of the Town of Cheshire Zoning Regulations.

Motion: Earth Removal, Filling or Regrading Permit:

MOVED: That in accordance with Section 25 of the Town of Cheshire Zoning Regulations, the Commission, after due consideration of the entire record, including the regrading shown on plans entitled: "SITE DEVELOPMENT PLAN SUBDIVISION PLAN NORTH END PARCEL 1953 HIGHLAND AVENUE, 2037 HIGHLAND AVENUE & MBL: 3-51, CHESHIRE, CONNECTICUT Scale 1" = 100' Date June 17, 2019, Revised through July 16, 2019, Project 6731-01 Sheets 06 of 14, SP-1 by Milone and MacBroom and ROAD PLAN & PROFILE SUBDIVISION PLAN NORTH END PARCEL 1953 HIGHLAND AVENUE, 2037 HIGHLAND AVENUE & MBL: 3-51, CHESHIRE, CONNECTICUT Scale 1" = 50', H 1" = 5' V Sheets 07 and 08 of 14 RP-1, RP-2 and RP-3, finds that the application subject to the waivers granted of Section 25.5, subsections 3, 9, and 11 will not pose any unreasonable risk to public health or safety and meets all of the requirements and standards in Section 25.

THEREFORE, the Planning and Zoning Commission approves the application for Earth Removal, Filling or Regrading of Miller Napolitano Wolff, LLC and Tri-Star Development, LLC for property located at 1953 and 2037 Highland Avenue and MBL: 3-51 shown on the plans identified above.