

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

Present

Earl J. Kurtz III, Chairman; Jeff Natale, Secretary;

Members: Matthew Bowman, Robert Brucato, S. Woody Dawson, Gil Linder, Louis Todisco.

Alternates: Tom Selmont and Donald Walsh

Absent: Sean Strollo and Robert Anderson (alternate)

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the public hearing to order at 7:31 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, it was determined that a quorum was present for the public hearing.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. BUSINESS

1. **Special Permit Application**
A.M. Napolitano LLC
1675 Marion Road
Rear Lot Access-way

PH 11/13/19
PH 11/25/19
MAD 01/29/20

2. **Resubdivision Application**
A.M. Napolitano LLC
1675 Marion Road
15-Lots

PH 11/13/19
PH 11/25/19
MAD 01/29/20

Attorney Matt Hall, 195 South Main Street, Cheshire CT, represented the applicant. Mr. Hall advised that he represents the applicant for this resubdivision application. The revised plans are the result of discussions with Planning Dept. staff, Engineering and Cheshire Fire and Police Departments. The majority of the comments focus on the rear lot application, and the responses to the comments are outlined in the letter narrative from Berkshire Engineering. It is hoped the revisions will satisfactorily address the issues.

Dennis McMurrow, P.E. Berkshire Engineering & Surveying LLC, 143 Bantam Lake Road, Bantam CT, represented the applicant.

Mr. McMurrow stated the applicant submitted revised subdivision plans on November 14, 2019. He reviewed the revised plans with the Commission. A watercourse travels under I-84, traverses through the subject property, and the map outlines the watercourse (blue), wetland line (green), 50 feet of wetland area (orange). This is a 15 lot subdivision application; the 27 acre site is on Marion Road; there will be 825 feet of proposed new Town road; there will be a 600 foot common driveway to serve lots 8/9/10; lot #3 (with existing house) has direct access on Marion Road, and other new lots will have access to the new Town road. Lots #1 and #2 have frontage, with a detention basin and water quality basin, which will reduce the runoff rate. The first 12 inches of rainfall in the basin will be absorbed into the ground. Extensive testing has been done on the property; there is sandy gravel and materials, which is ideal for this use.

Wetland impact – the existing crossing for lots 8/9/10 will be changed with the common driveway for the rear lots.

There is a 5 foot culvert under I-84. The brook goes under Marion Road with a 6 inch culvert. In between the existing wood road in the property there is a 3 foot culvert which will be changed to 4x8 box culvert. The only direct wetlands impact will be reviewed at the December 3rd IWW public hearing.

All lots have been tested for septic suitability with Chesprocott approval in a letter dated November 6, 2019. Water to the site will be via extension of the municipal water main.

Lot #3 is the existing house and has an existing well that will remain.

The property in the front left corner has a hit on the National Diversity Data Base. DEEP identified three (3) species of concern...ribbon snake, wood turtle and eastern box turtles. Protection strategies have been added per the DEEP.

Berkshire Engineering & Surveying LLC letter dated November 21, 2019 – Mr. McMurrow cited the fact that the Engineering Department, Inland Wetland, CFD and CPD comments have been addressed. Some comments were technical details.

Inland Wetland comments – they are specific to lots #9 and #10 at the far end of the common driveway; fire alarms, turn around for both properties have been addressed per CFD and CPD comments.

Additional Comments – the main driveway will be widened to 17 feet; the normal 27 foot section will be retained.

Mr. Voelker stated that CFD is concerned that the 50 foot width is not sufficient given the grades, especially for lots #9 and #10. The culvert can remain at 15 feet; the rear lot access way is 17 feet on each side.

In the regulations about culverts, Mr. McMorrow noted the shoulder could be narrower and he asked if this was a possibility.

Mr. Voelker said it is a possibility.

Mr. McMorrow noted that the CFD memo requires paving for each house before issuance of a certificate of occupancy. In #5 in his letter, Mr. McMorrow said it was stipulated on the sequencing of the common driveway paved after lots 8, 9, and 10 were constructed. But, the latest Fire Marshal memo says it must be paved before a certificate of occupancy will be issued...and the applicant will work around this.

It was stated by Mr. Voelker that this is in the subdivision regulations.

Mr. Voelker read the CFD letter dated 11/22/19 into the record.

Planning Department has no outstanding comments on the application.

The completed application must have IWW review and approval. The application could be ready for final PZC action at the January 13, 2020 meeting.

Mr. Linder asked why lots 10, 12, 13, 14, 15 do not have access off Bird Lane.

This is a private road and Mr. McMorrow said it is 12 feet wide, for three (3) properties on the road.

It is not a public highway and Mr. Voelker said the applicant has no right to access this road.

In response to a question from Mr. Selmont on the length of the rear lot access, Mr. McMorrow said it is 597 feet long.

Mr. Todisco commented on this being a nice subdivision off a Town road, well designed, and asked about the rear lot access way for the three (3) rear lots. He cited Section 5.5 of the regulations and read an excerpt into the record. Mr. Todisco noted that rear lots are not favored, especially in new subdivisions, and this is an obstacle for him with

the subject application. He could vote favorably on the 12 lots, but not on the 3 lots without knowing why the regulations do not apply.

Attorney Hall responded that every effort has been made to comply with the regulations, and PZC has approved rear lots in the past. He understands that rear lots tie into public safety concerns, and the applicant has done what is possible to alleviate these safety concerns with extra suppression and alarm systems from CPD and CFD.

According to Mr. Todisco the regulation talks about avoiding rear lots when possible, and has not heard the applicant's explanation. There are no questions about extension of the Town road, but the regulations state rear lots must be kept to a minimum.

Attorney Hall hears the concerns, and said with developers there is always an inherent ambiguity with rear lot subdivisions. Section 5.5 A 1&2 creates some concerns no matter what the rear lot will look like. The applicant is not oblivious to the concerns, but has done everything possible for those captured in the regulations, essentially public safety.

Mr. Bowman almost completely concurs with Mr. Todisco's concerns. The only reason he would vote for this application is because of the wetlands crossing. It would be double the size to cross the wetlands, instead of a 15 foot culvert, you would need a minimum of 30+ foot culvert for the sidewalks, etc. The 50 foot culvert would be more disturbance for the wetlands; this application does meet the regulations because there would be more damage done if it was a full road; without the wetlands there is no reason the road could not be extended.

Part of the application process is the wetlands component, and Mr. Hall said any application would seek to combine what is presented to IWW for feasibility for both.

Mr. McMorrow talked about the wetlands crossing, keeping it as low as possible, the land is steep in the back, and the soils are not as good so it yields larger lots. Without the crossing there is loss of 35% to 40% of the land, which is valuable land in the subdivision. This is why the three (3) lots are coming off the common driveway.

The Commission was informed by Mr. Voelker that lot #10 is 6.038 acres.

The land to the south (farm) was questioned by Mr. Linder. He asked whether a cul de sac could be developed off this property in the future.

In the future, Mr. Kurtz said that is a possibility.

Mr. Linder talked about creating a future cul de sac extension, a temporary cul de sac, something for consideration.

The Commissioners briefly discussed a possible future development on this farm land, but noted you cannot take land away for something which may never happen.

Mr. Bowman said Arisco may never sell having owned the property for 80+ years. it would be another wetlands crossing; a 50 foot access could be provided there; IWW could say no. This would be similar to what happened on Strathmore Woods many years ago, into the wetlands, and he could not tie into the wetlands.

Mr. Hall could not answer the question about future development of the Arisco farm property without having information about the specific property.

According to Mr. Linder the Commission is forced to look into the future, and is asked to do this all the time.

Mr. Kardaras said this is not a case of “reasonably foreseeable”.

PUBLIC COMMENTS

Mark Stollo, 526 West Main Street, commented on the Arisco farm property, and noted it has more Marion Road access. You cannot stipulate, and having access on the north side is like going out a window rather than a door. The site has more Marion Road and, logistically, you would not want to access from that side of the property, and it would have to loop around.

THE PUBLIC HEARING WAS CONTINUED TO DECEMBER 9, 2019

3. Special Permit Application
Joshua Colburn
51 Railroad Avenue
CrossFit Gym

PH 11/25/19
MAD 01/29/20

Joshua Colburn, applicant, has been in business in Cheshire for 10 years, in smaller locations, is changing his operating plan with more personal training and smaller classes. The new location will be more visible and larger for his plans.

Mr. Voelker read Cheshire Fire Department letter dated 11/21/19 into the record.

The six (6) parking spaces at the property was raised by Mr. Todisco.

Mr. Colburn explained these spaces are in the front of the overhead door. There is a driveway behind the building with parking available, and gravel parking across the street. There are enough spaces for overflow parking. Mr. Colburn is talking to area businesses to use their spots on Saturday mornings when the business is closed.

Classes – average class is 3 to 5 people per class; afternoon classes, i.e. 4 p.m. is the busiest time.

Mr. Todisco suggested the owner and any staff use the rear or gravel parking spaces, and keep site spaces for customers.

Stating his agreement, Mr. Colburn said there is enough parking for his business operation. Saturday morning is busy; it opens up to people who do not normally come to the gym; and there are usually eight (8) people in the class. There will be one handicapped parking space on the property. Mr. Colburn does not want to use the trail parking area, and wants to keep people away from the trail parking.

This is an older, industrial building, and Mr. Voelker said the Town is looking for a use with the least amount of demand, and the gym is such a low intensity use. This site will never have any more parking spaces than is there now. Also, property owner, John Mazzella, has told the applicant he can park across the street, if needed.

Mr. Colburn pointed out that the restaurant opens at 12 noon, has a large parking area, and he is talking to the owner about possible use of a few of their spaces, if required.

In the staff report, Mr. Voelker pointed out it indicates nine (9) spaces, six (6) on the site and three (3) across the street.

Mr. Walsh does not see parking as an issue for this application.

THE PUBLIC HEARING WAS CLOSED.

4. ADJOURNMENT

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

MOVED to adjourn the public hearing at 8:19 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk