
TO:	William Voelker, AICP, Planner – Town of Cheshire	RECEIVED
FROM:	Ryan McEvoy, PE, Lead Project Engineer, Civil – Milone & MacBroom, Inc.	Town of Cheshire
RE:	Zone Map Change – Lakeside of Cheshire 50 Hazel Drive Cheshire, Connecticut	JUL 24 2020
DATE:	July 24, 2020	Planning Dept.
MMI #	3519-03	

In connection with the application of Lamp Realty, LLC to change the zone of 50 Hazel Drive in Cheshire, Connecticut, Milone & MacBroom, Inc. (MMI) prepared a Zone Change Map depicting the parcel proposed for the zone map change and all parcels and parcel owners within 500 feet of the subject parcel based on Town of Cheshire Assessor records. A petition opposing the Zone Map Change application has been submitted that includes the names and addresses of the signatories; many of the listed properties are greater than 500 feet from the subject parcel, and some of them are within 500 feet of the subject parcel.

In accordance with Section 8-3(b) of the Connecticut General Statutes:

"...if a protest against a proposed change is filed at or before a hearing with the zoning commission, signed by the owners of twenty per cent or more of the area of the lots included in such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the commission" (emphasis added).

We presume for the purposes of the petition that the stated opposition to the application is consistent with a protest against the proposed change.

In order to determine whether the submitted petition qualifies under Section 8-3(b), we have reviewed the area within 500 feet of the 50 Hazel Drive parcel, which totals 80.88 acres of land. Note that this **does not include** the area of the 50 Hazel Drive parcel itself. The total area within 500 feet of 50 Hazel Drive and the sum of the areas noted below are based on the Assessor's lot lines as shown on the Assessor's mapping and available Town Geographic Information Systems (GIS) data.

We have reviewed the names of the signatories to the petition and offer the following with regard to the area of the parcels included in the petition:

- a. On the attached map, we have shaded in red the parcels that both lie within 500 feet of 50 Hazel Drive and had all owners listed on the Cheshire Assessor's records sign the petition. These parcels are properly included in the petition. As an example, Dennis E. Fox and Trudy L. Fox are listed as the owners of Parcel 15-63 (56 Lakeside Avenue). Both of them signed the petition; therefore, the area of Parcel 15-63 is included in the sum of the areas in protest of the zone change.
- b. Only portions of a parcel that are within 500 feet of 50 Hazel Drive are included in the sum of the areas in protest of the change. For example, just under half of Assessor's Lot 14-96 (32 Mayview Avenue) lies within 500 feet of 50 Hazel Drive and the owners of that parcel have

signed the petition. Therefore, we included only the portion of the parcel that is within 500 feet and excluded that area outside of 500 feet in the sum of the areas.

- c. On the attached map, we have shaded in blue the parcels that lie within 500 feet of 50 Hazel Drive but only had one of the owners listed on the Cheshire Assessor's records sign the petition. These parcels have not been included in the petition calculation because all owners have not participated in the petition. As an example, Richelle A. Clini and Mark L. Crino together are listed as the owners of Parcel 14-85 (81 Mayview Avenue). Only Richelle Crino (who is presumed to be the same person as Richelle A. Clini) has signed the petition; therefore, the area of Parcel 14-85 is not included in the sum of the areas in protest of the zone change.
- d. Where a person has signed the petition and listed a parcel within 500 feet of 50 Hazel Drive, but that person is not the owner of record based on Cheshire Assessor's information, those parcels are **not included** in the sum of the areas opposed to the application. The statute is clear that in order to be included, the petition must be signed by the owners of record. We have calculated these lots separately and shaded them in blue on the attached map. For example, Assessor's Lot 14-81 (36 Hillside Avenue) is owned by Kristen Ennis according to Cheshire Assessor records, but the only signatory to the petition with the listed address of 36 Hillside Avenue is not Kristen Ennis. Therefore, the parcel is **not included** in the sum of the areas counted toward the petition.
- e. Any address listed in the petition that is not within 500 feet of 50 Hazel Drive is not included in the sum of the areas counted toward the petition.

After calculating and adding the areas of qualifying parcels in paragraphs "a" and "b" above, the total area of the parcels for which the owners of record have petitioned against the application is 8.65 acres. This represents 10.7% of the 80.88 acres of land within a 500-foot radius of 50 Hazel Drive, which does not meet the statutory threshold for a two-thirds majority vote to approve the zone change.

Attachments

3519-03-jl2320-memo