

ORIGINAL

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Town of Cheshire

DEC 07 2020

Planning Dept

APPLICATION FOR A SPECIAL PERMIT

Pursuant to the Zoning Regulations of the Town of Cheshire, as amended, the undersigned makes application for a Special Permit for the property described below:

STREET ADDRESS 944 South Main Street

*APPROX. NO. OF ACRES .52 ZONE C-3

(*See attached checklist for over 5 acres)

ASSESSOR'S MAP NO.(s) 78 LOT NO.(s) 159

APPLICABLE SECTION(S) OF ZONING REGULATION Section 30,
Schedule B, Paragraph 40a and Section 40, Special Permit

DESCRIPTION OF PROJECT/INTENDED USE Coffee shop with
drive-thru to serve customers in motor vehicles

The following items, as required by Section 40.2, are attached (unless waived by the Planning and Zoning Commission:

- (1) **6 copies** of a **Site Plan**, drawn to a scale of not more than 100 feet to the inch, showing existing and proposed grade contours, property lines, **the names and addresses of all abutting owners including those across any street determined from the Assessor's records**, building, structures, signs, outdoor illumination, streets, driveways, off-street parking and loading spaces, outside storage areas, water courses, storm drainage, sewage disposal facilities, and water supply facilities. State law requires certain information to be compiled and certified by licensed professionals.
- (2) **6 copies** of preliminary **architectural plans** of all proposed buildings, structure and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs.
- (3) **6 copies** of a detailed **landscaping plan** drawn to a scale of not more than one inch equals one hundred feet, including a plot plan showing: the name and planting size of trees and shrubs, basic contours lawn areas, natural terrain not to be disturbed, and magnetic north. In addition, such plan shall include a planting key listing trees and shrubs with planting size.
- (4) Sanitation Certificate accompanied by Engineer's Report, WPCA approval, or Feasibility letter.

(5) Check, made payable to "Collector, Town of Cheshire", in full payment of fee - \$535.00

BASE FEE: Residential \$235.00* plus \$175.00 Public Hearing Fee: \$410.00
Business \$360.00* plus \$175.00 Public Hearing Fee: \$535.00
+ Additions or new buildings of 5,000 sq. ft. or greater shall add an additional fee of \$.05 per sq. ft. of entire building.

*(Includes \$60.00 State of Connecticut fee)

(6) In order to facilitate the filing of your approval on the Cheshire Land Records, based on Public Act 75-317 of the Connecticut General Statutes, the following information is required: The volume and page number of the deed to your property as it is filed on the Cheshire Land Records.

VOLUME(s) 2948 PAGE NO.(s) 250

APPLICATIONS FOR SPECIAL PERMITS WHICH PROPOSE TO CONDUCT NONRESIDENTIAL USES IN RESIDENTIAL DISTRICTS, the following submission (7) is also required:

(7) An affidavit, at least ten (10) days before the hearing, stating that notification has been sent to all abutting property owners (including those across the street). The affidavit shall confirm that the notice was mailed at least fifteen (15) days prior to the hearing and shall list the names, property addresses and mailing addresses, if different from property addresses. Notification to property owners shall be in the form of letter or postcard and shall specify the date, time, and place of the public hearing.

ALL APPLICANTS--PLEASE COMPLETE THE FOLLOWING:

Applicant's Name Nosal Properties of South Main Street, LLC
(Print or Type)

Applicant's Address 85 Fieldstone Court, Unit 1, Cheshire, CT 06410

Applicant's Signature 

Telephone Number (203) 439-9320 x301 Email jnosal@nosalbuiders.com

Owner's Name Nosal Properties of South Main Street, LLC
(Print or Type)

Owner's Signature 

Agent, if other than applicant to be contacted with regard to this application:

Name Anthony J. Fazzone, Esq of Fazzone Ryan & Ricciuti, LLC

Address Two Town Center, Cheshire, CT 06410

Telephone Number (203) 250-2222 FAX # (203) 250-7388

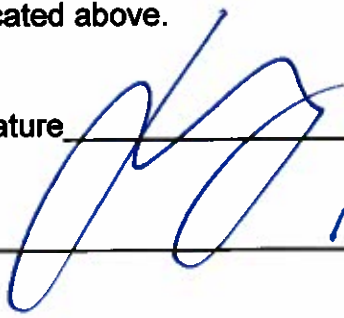
This application must be filed in the Planning Office at least seven (7) days prior to the regular Planning & Zoning Commission meeting date.

Disclaimer: Additional information may be required, please contact the Planning office for complete application packets.

LETTER OF PERMISSION

The owners and permittees of this letter give permission to the Cheshire Planning & Zoning Commission, granting the Town of Cheshire and its agents and employees, the right to enter upon the property for inspections as the work progresses, and to perform such work including, but not limited to, regrading, seeding, removal of debris, etc., as may be required to correct any violations of the terms of the Permit issued to the applicant indicated above.

Owner's Signature _____



Date _____

12/7/80

Disclaimer: Additional information may be required, please contact the Planning office for complete application packets.

THE FOLLOWING IS A CHECK LIST TO ENSURE THAT ALL NECESSARY INFORMATION HAS BEEN FILED WITH THE PLANNING OFFICE:

PLEASE CHECK ONE
YES NO

1. Is the property or properties located in the Aquifer Protection Zone? (✓) ()
- If "yes", is the proposed use a regulated activity?
(Use involving hazardous materials)
(If "yes", contact the Planning Office) () (✓)
2. Is the property located in the public water supply watershed area? (✓) ()
- If "yes", has a watershed notification been sent to the RWA? (✓) ()
3. Are there any wetlands or watercourses on the property or properties? (✓) ()
- If "Yes", has an Inland Wetlands/Watercourses permit been filed? – Must be submitted to Inland Wetland & Watercourse Commission prior to filing with the Planning and Zoning Commission. (✓) ()
- If "No", include a statement on the Site Plan.
4. Are variances required? () (✓)
5. Is the property located within a public water supply watershed area?(Map located in the Planning Office)
(If yes, notification is required to the CT Dept. of Public Health per Public Act 06-53) (✓) ()

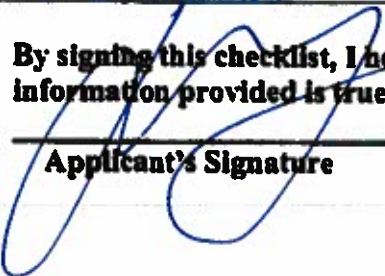
***Advisory Notice to Applicants:**

Applicants are hereby advised that The State of Connecticut Department of Energy and Environmental Protection (DEEP) requires that areas of proposed disturbance of 5 acres or more must apply to the CT DEEP for "General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities". Prior to initiating any development activities it is the Permittee's responsibility to ascertain if they are subject to the general permit requirements.

For further information, please contact DEEP:

https://www.ct.gov/deep/lib/deep/permits_and_licenses/water_discharge_general_permits/storm_construct_gp.pdf

By signing this checklist, I hereby acknowledge full responsibility that the information provided is true and accurate.



Applicant's Signature

12/7/2020

Date

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Planning Dept.



MEMORANDUM TOWN OF CHESHIRE

84 SOUTH MAIN STREET, CHESHIRE, CONNECTICUT 06410
(203) 271-6670 Telephone (203) 271-6688 FAX

I, Anthony J. Fazzone, the undersigned, delivered to the Planning Office on the date as stamped the following application(s):

- APPLICANT: Nasal Properties of E South Main Street
1. Special Permit Application
 2. Application For An Earth Removal, Filling or
 3. Regrading
 4. Check # 12690 - \$535.00 Special Permit
 5. Check # 12689 - \$735.00 Earth Removal
 6. _____
 7. Checklist
 8. _____
 9. _____
 10. _____
 11. _____
 12. _____
 13. _____
 14. _____
 15. Anthony J. Fazzone

Original: Planning/Wetlands File

Copy: Applicant

To: Cheshire Planning and Zoning Commission

From: Planning Staff

Re: 944 South Main Street, Special Permit for a Restaurant with a Drive-Thru

Date: January 4, 2021



Proposal

This application seeks site plan approval for the construction of a new 2,042 square foot restaurant with drive-thru to replace the former 3,140 square foot restaurant. The property is zoned Commercial 3 (C-3) and is served by public water and sewer. It is also located within the Aquifer Protection district and the plan was submitted to the Regional Water Authority for review and their comments are attached.

The property is located on the easterly side of South Main Street, approximately 80 feet from Mansion Road. It is abutted by an electrical substation to the south and the Rite Aid pharmacy to the north. There will be shared access with Rite Aid and the owners do have a reciprocal easement (copy enclosed) to the access and parking with the Rite Aid site. There are wetlands and a portion of the upland review area through the rear of this property and this proposal has also been submitted to the Inland Wetlands and Watercourses Commission for review. It is anticipated that the IWWC will be acting on this application at their meeting on January 19th, and the public hearing for this proposal should remain open until they conclude their review.

The new restaurant is proposed on the rear half of this property. It will be served by 25 parking spaces, 17 of which are on-site and 8 that are located on the southerly side of the adjacent Rite Aid property. The parking does meet the requirements set forth for restaurants within the Cheshire Zoning Regulations. Section 33.1.5 of the Zoning Regulations requires "one parking space per 75 square feet of customer space plus one space for each 100 square feet of other floor area and located on the same lot with the facility or on another lot, any part of which is within 300 feet in a direct line from the facility." This restaurant will have 1080 square feet (15 spaces) of customer space and 962 square feet of service area (10 spaces), and the 8 spaces which are off-site are directly adjacent to the northerly boundary line. The drive-thru lane will have enough length to queue ten vehicles, and it is double wide to include a bypass lane for the entire length. This operator estimates that as much as 60 percent of their volume will be through the drive-thru lane. Copies of the Site Plan, Landscaping Plan, lighting plan, building elevations and renderings, and floor plan are enclosed for reference.

Staff Analysis

This property shares circulation with the abutting Rite Aid site and will continue to do this. Restaurant customers will enter and exit the site over the Rite Aid property through the signalized intersection on South Main Street. The double laned drive-thru around the perimeter of the building will lower the potential for overextending the queue in the drive-thru. Comments



RECEIVED
12/23/2020

December 23, 2020



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DEC 23 2020
Planning Dept

Mr. Don Nolte, Engineering Operations Manager
Town of Cheshire
84 South Main Street
Cheshire, CT 06410

Re: Site Plan Review
944 South Main Street
Proposed Restaurant

Dear Mr. Nolte:

Anchor Engineering Services, Inc. received the following information prepared by Milone & MacBroom:

- Plan set sheets 1-8 dated December 7, 2020.
- Drainage Report dated December 8, 2020.
- Property/Topographic Survey prepared for Nosal Builders, Inc., 944 South Main Street, Cheshire, CT dated May 7, 2020.

We offer the following comments based on our review:

1. It is recommended that the calculated Water Quality Flow with the associated drainage area and total flow be added to the plans. This information can be used by the stormwater treatment structure manufacturer to ensure that the chosen model is sized appropriately in the proposed bypass configuration particularly if an alternative manufacturer is proposed during construction.
2. The FEMA mapping indicates that the 100 year flood elevation just south of the site is 155.3. Based on this elevation, the easternmost portion of the site including approximately half of the proposed building is within the 100 year floodplain. It appears that fill is proposed within this area without any compensatory excavation proposed. Any proposed cut and fill volumes should balance so as to provide a net zero increase in floodplain displacement. The applicant should demonstrate compliance with Section 46 Flood Plain Management Regulation of the Zoning Regulations for all improvements proposed within the FEMA Zone AE and adjacent Floodway on the site.
3. An Encroachment Permit from CT DOT will be required for the proposed work on South Main Street. Additional concrete sidewalk replacement may be required to maintain minimum width (4 feet exclusive of curbing) and to match proposed grading of the new parking lot adjacent to the new sidewalk. Proposed modifications to the riprap outlet of CT DOT's 36" diameter pipe and endwall will also require review and approval. It is recommended that coordination with DOT be ongoing during the Town permitting process for any required modifications.
4. It is recommended that bottom and top of wall grades be added to the plans for all proposed walls.

Mr. Don Nolte
December 23, 2020

Page 2

5. The proposed endwall and retaining wall at the existing 36" diameter pipe outlet reference marching into an existing wall along the proposed parking. With the proposed fill in this area, confirm that the existing wall height is adequate.
6. A note should be added to the plans as to whether the existing shed and bituminous paving in the southeast corner of the site are to be removed or to remain.
7. Concrete wheel stops are recommended along the angled parking spaces which are adjacent to sidewalks.
8. Include details for the proposed riprap plunge pool and sidewalk ramps.
9. There is an incorrect reference in the Sediment & Erosion Control Specifications on sheet SD-1.
10. Due to the close proximity of the existing wetlands/Mill River, the required size/height of the Filtrexx Siltsoxx should be labelled on the plans.
11. The drainage report submitted for review should be signed and sealed by a CT licensed professional engineer. The property/topographic survey plan needs to be certified by a CT licensed land surveyor. It is recommended that the FEMA mapping information for the site be added to this plan.

If you have any questions regarding the above comments, please don't hesitate to contact me at (860) 633-8770.

Sincerely,



Denise P. Lord, P.E.
Senior Civil Engineer



South Central Connecticut Regional Water Authority
90 Sargent Drive, New Haven, Connecticut 06511-5966 203-562-4020
<http://www.rwater.com>

December 10, 2020

Mr. William Voelker, Town Planner
Cheshire Town Hall
84 South Main Street
Cheshire CT 06410

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DEC 10 2020

Planning Dept.

Dear Mr. Voelker:

Re: 944 South Main St. restaurant

The Regional Water Authority (RWA) has reviewed the above referenced application. The property is within both the Mill River aquifer protection area and the Mill River public water supply watershed. The applicant is proposing to demolish an existing building and construct a restaurant. The building will be heated with gas, connected to the municipal sanitary sewer system and served by public water. Storm water will be directed to a Contech CDS unit. The Mill River is located to the east of the property. Based on the information submitted, we have the following comments:

1. The erosion and sediment control plan appears adequate.
2. The existing building should be examined for hazardous materials prior to demolition. Mercury switches, florescent lights, asbestos and other universal, hazardous, and regulated wastes should be recycled or disposed of properly by a licensed waste hauler. Demolition material should be removed from the construction site and disposed of properly
3. The applicant should reconsider the use of Japanese Greenleaf Barberry in the planting plan. Barberry is a known invasive having a significant impact on the regeneration and overall health of forests. The use of native species, such as winterberry and inkberry, instead of non-native plants should be encouraged.
4. The redevelopment of this site reduces the impervious surface by one percent to 84%. Storm water management only includes a Contech CDS unit. The property is adjacent to the Mill River. The applicant should examine the use of green infrastructure to reduce storm water runoff. Roof top infiltration, the creation of rain gardens in the landscaped areas, and pervious pavement should be evaluated.

944 South Main Street
12/10/20
Page 2

5. The storm water discharge does not comply with Section 19-13-B32i of the Public Health Code of the State of Connecticut. This section requires storm water drainage pipes to discharge at least one hundred feet from the edge of an established watercourse.

Section 19-13-B32i of the Public Health Code of the State of Connecticut.

- a. (i) *The design of storm water drainage facilities shall be such as to minimize soil erosion and maximize absorption of pollutants by the soil. Storm water drain pipes, except for crossing culverts, shall terminate at least one hundred feet from the established watercourse unless such termination is impractical, the discharge arrangement is so constructed as to dissipate the flow energy in a way that will minimize the possibility of soil erosion, and the commissioner of health finds that a discharge at a lesser distance is advantageous to stream quality. Special protections shall be taken to protect stream quality during construction.*
6. Fuel storage and hazardous material storage during construction is addressed in general note #11.

Thank you for the opportunity to comment on this application. If you have any questions, please email me at rwalters@rwater.com.

Sincerely,

REGIONAL WATER AUTHORITY



Ronald Walters
Senior Environmental Analyst

cc Mr. Darin Overton



