

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION  
PUBLIC HEARING HELD ON MONDAY, FEBRUARY 27, 2012 AT 7:30 P.M. IN  
COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE  
CT 06410**

Present

Earl Kurtz, Chairman; Sean Strollo, Vice Chairman; Tali Maidelis, Secretary;  
Leah Campo, Martin Cobern, S. Woody Dawson, John Kardaras, Gil Linder,  
Louis Todisco

Alternates – Jim Bulger

Absent: Alternates Leslie Marinaro and Ed Gaudio

Staff: William Voelker, Town Planner

**I. CALL TO ORDER**

Mr. Kurtz called the public hearing to order at 7:32 p.m.

Mr. Kurtz read the fire safety announcement.

**II. ROLL CALL**

Mr. Maidelis 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. BUSINESS**

**Town Planner Voelker read the call of public hearing for each application.**

**Mr. Todisco was recused from application #1.**

- |  |                   |
|--|-------------------|
| <b>1. Special Permit Application</b>         | <b>PH 1/23/12</b> |
| <b><u>Gas Development Cheshire LLC</u></b>   | <b>PH 2/15/12</b> |
| <b>490 West Main Street</b>                  | <b>PH 2/17/12</b> |
| <b>Redevelopment of existing gas station</b> | <b>MAD 5/2/12</b> |
| <b>And car wash to a gas station</b>         |                   |

Attorney Edward Hill, Robinson & Cole, represented the applicant. He advised the Commission of others present – Pat Dunford, Traffic Engineer and Ken Staffier, Project Engineer.

Attorney Hill commented on a few issues raised at the last hearing session – whether hoses used on the pumps could accommodate cars with fueling on the opposite side; angling of pumps on the site; update on the site traffic circulation;

and potential Stop & Shop participation in the streetscape improvements along the frontage of the subject property. Attorney Hill introduced Ken Staffier who would address these issues.

Handouts were given to the Commissioners on the issues to be addressed.

Mr. Staffier advised that the applicant looked at the 45 degree angle layout which is usually seen on highway rest areas, and allows cars to enter and exit in a one way fashion. In looking at the subject site layout there were issues which outweighed the benefits of the suggested angle. Coming in at a 45 degree angle and having to turn 180 degrees through the site, this means there are 135 degrees left to turn back out of the site and this is a hard angle to turn. It could create issues with processing vehicles through the site. Turning the pumps at a 45 degree angle extends the length of the canopy and pump system layout, while trying to minimize the impact at the same time with separation of the pumps. Stop & Shop has a separation of center line to pump of about 27 feet, and to try and fit this layout onto the site would compress this to 22 feet. With this layout of two cars parking next to each other there is more chance of car doors hitting each other. With extension of the canopy and layout of the dispensers it pushes into an area reserved for open space to replicate a buffer against the canal.

On the initial design the applicant was asked to accommodate a Cheshire fire truck through the site. Mr. Staffier said that with the suggested layout it pushes the driveway into a part of the site that is more compressed, angling back, and a truck could not make this turn. The applicant looked at trying to make this work, but given the issues involved, it is not something which would be chosen as the best option for this site. The best option is 5 pumps linear, 90 degrees to the street, and will provide efficient access and egress from the pumps, allow circulation for the fire truck, and leave open space to be enhanced in the area adjacent to the canal./

Photographs of the longer hose going around a vehicle were passed out for Commissioners to review. The photo demonstrates the Wallingford Stop & Shop site which has extenders on the hoses allowing a person to pull the hose across the car and fill on the opposite side of the pump. There was also a question about finding the mechanical arm to allow the hose to hang over the car, and this is something the applicant has and will continue to look into. Mr. Staffier stated that Stop & Shop tries to standardize its layout and equipment across many jurisdictions. With the current hose and extenders there is flexibility across many jurisdictions.

Mr. Staffier clarified the circulation on the site, noting that the plans show an easterly entrance and westerly exit, with a right turn and dedicated left turn lanes. On site circulation will default to a one way circulation. The applicant is looking to maintain the two way circulation back into the pumps. Mr. Staffier said there are hose extenders so people can come in, pull the hose across the car, and

some people can drive around, pull through, and then circulate back through the one way counter clockwise circulation.

Mr. Voelker stated that some people will do this anyway, and this is what he would do if all left turns were taken.

Commission questions and comments

Mr. Strollo asked about the flow of traffic, noting that the Bristol site has 10 pump stations and is the same size as Cheshire. He also asked about traffic exiting the same as the Bristol site, and why the numbers were higher for this site and estimates for Cheshire are lower.

Bristol is a different configuration, and Mr. Staffier said it has the same number of pumps as the Cheshire site.

Mr. Bulger asked about incorporation of the front side of the entrance and exit with what has been going on with the West Main Street project.

Pat Dunford informed the Commission that in estimating the traffic generated it is based partly on the number of pumps for fueling, or volume of traffic on the adjacent street. He said the counts are actual counts.

Attorney Hill stated that Stop & Shop is aware of the streetscape improvements on West Main Street, and was asked how its development would relate to this project. Mr. Hill submitted a letter and some plans regarding this issue as part of the file. He said that the applicant has decided to offer to the Commission and the Town of Cheshire to take care of off site streetscape improvements that front on its development, about 130 feet of frontage. Stop & Shop, in a coordinated fashion with its own construction, will do the pavers, driveway aprons and granite curbs and absorb these costs. This makes sense for Stop & Shop to be a good corporate citizen, and to do this work as part of its development project. The applicant's project is planned to start in September, and the plan of the Town is go have the streetscape done by the end of June. Electrical improvements will be retained by the Town, and maintained by Stop & Shop during its construction work period.

Mr. Dawson thanked Attorney Hill and Stop & Shop for being a good neighbor in the past and now into the future. He realizes the applicant did not have to offer to do the streetscape work, but it is much appreciated by the community.

With regard to the 30 foot entrance on the right, Attorney Hill advised each entrance will be the same as now, but the entrance on the right will have a rumble strip.

Mr. Voelker stated that with the improvements being done by Stop & Shop, this allows the Town to devote some of its resources for other improvements within the streetscape.

For the record, Attorney Hill stated that the applicant has documents to be submitted for the file. They are an analysis of factors to be considered when the Commission is granting this special permit, and states how this application complies with the regulations.

THERE WERE NO FURTHER COMMENTS OR QUESTIONS. THE PUBLIC HEARING WAS CLOSED.

**2. Subdivision Application**  
**Verna Properties LLC**  
**175 Wiese Road**  
**9-Lots Pemberley Estates**

**PH 1/23/12**  
**PH 2/15/12**  
**PH 2/27/12**  
**MAD 5/2/12**

Attorney Joan Malloy represented the applicant. At the last hearing there was a continuance pending IWW approval, and this was received last week. There were no other outstanding issues.

THE PUBLIC HEARING WAS CLOSED.

**3. Special Permit Application**  
**JAD Partners LLC**  
**435 Highland Avenue**  
**Two new buildings planned for medical**  
**Professional office use.**

**PH 2/15/12**  
**PH 2/27/12**  
**MAD 5/2/12**

Darin Overton, P.E. Milone and MacBroom represented the applicant for a special permit for two new professional/office buildings located at 435 Highland Avenue. Mr. Overton advised that there was a review letter by the town engineer with response to comments, and the only revision was on the utilities plan, with a legend included on the plan. WPCA had some revisions on the sanitary laterals with addition of cleanouts and inverts. These are the only changes to the plans. Everything else is in the documentation and there is clarification of all information.

Mr. Strollo asked whether there was a meeting with the concerned neighbors about this project.

The Commission was informed by Mr. Voelker that there was a productive meeting held with the neighbors last week regarding concerns about storm water runoff and ground water. In attendance were Mr. Overton, Ms. Simone and Mr. Voelker. At the meeting, Mr. Overton walked everyone through the design of this project, how storm water and ground water would be managed, and the

neighbors were pleased with receiving this information and the opportunity to have a meeting on the project.

One of the main concerns of the neighbors was the fact that the former owner opened up the bank, ground water was flowing onto the neighbor's property. At the meeting, Mr. Overton showed everyone the applicant's design, putting in a ground water inceptor behind the wall being built across the rear of the property, and bringing this into the storm water management system. It will go into the pipes going into the public system, and Mr. Overton showed how the surface flow will be managed.

Mr. Voelker noted that none of the neighbors are in attendance at this public hearing, so it is assumed that they are satisfied with project and information presented to them at the meeting.

Mr. Todisco asked about the drainage being discussed and if the case is now that the drainage will be no worse or better.

Mr. Overton said that is correct.

At the last hearing, Mr. Maidelis noted that neighbors mentioned something about a 4 foot drop at the edge of this property, and he asked if this was true.

It was explained by Mr. Overton that the new parking lot, the lowest point of the site, will have a slope up and there will be about 4 feet of fill being placed in this corner.

Mr. Voelker stated that the parking lot is pitched away from the neighbor's property by about 3 feet.

Mr. Overton reported that engineering issues have been addressed and there is a legend submitted on the plans.

THERE WERE NO FURTHER QUESTIONS OR COMMENTS. THE PUBLIC HEARING WAS CLOSED.

**5. Subdivision Application**  
**Sunrise Land Associates LLC**  
**South Meriden Rd (RTE 70) and**  
**Oregon Rd. 8-lots**

**PH 2/15/12**  
**PH 2/27/12**  
**MAD 5/2/12**

Darin Overton, P.E. Milone & MacBroom represented the applicant.

The Commission was given a copy of the Oregon Road subdivision, which shows the right of way left open for future road extension. It was about 100 feet rather than 50 feet for flexibility for future road extension.

For the record, Commissioner Cobern advised that he visited the subject property since the last meeting.

Mr. Overton advised that since the last meeting there has been receipt of engineering comments issued on February 16<sup>th</sup>. The first six comments were issues addressed as part of the IWW meetings, and the same responses have been provided to the PZC. Revised plans have been submitted to PZC. Additional items, #7 through #15, are engineering review items which have been addressed on the revised plans, submitted February 24<sup>th</sup>. All comments on this application have been addressed.

There was some discussion about the 100 foot area where the road is being brought in as there was a drainage easement there with questions as to who had the right to this easement. There was a conflict with the right of way. Mr. Overton stated that the right of way and easement do overlap. The intention is for this to be a Town road; that the right of way/proposed road will, eventually, be turned over to the Town; and the existing easement has been assigned to the Town. There is no conflict with this.

Chairman Kurtz noted that the revisions were submitted on February 24<sup>th</sup>, and the Commission and Town departments will need more time to review them. Therefore, this public hearing will remain open.

Mr. Voelker said that the application awaits a response from engineering, and until there is a complete sign-off on, he is not prepared for the hearing to be closed.

A question was posed by Mr. Maidelis regarding the driveways and if they were all paved.

In reply, Mr. Overton said they do not have to be. In agreement with the Fire Department there is a note on the plans for the driveways to be 12 feet wide, and all the driveways will be paved.

Mr. Maidelis said he had concerns about this due to the crazy angles of some of the driveways, and sprinkler systems and access to the houses by the Fire Department.

Mr. Todisco asked if it was clear that the Fire Department has signed off and accepts the plan as it is now laid out.

The Commission was informed by Mr. Voelker that he had a conversation with Fire Chief Casner, and the department is satisfied. It is the residential sprinkler system, cul de sac rather than rear lot access ways, and the department is satisfied.

Stating he read the minutes of the last hearing, Mr. Todisco said the cul de sac was described as a temporary cul de sac.

It was explained by Mr. Voelker is that it is temporary in that it can be extended in the future. There is a warning to potential buyers of these lots that the road may be extended, and this is why it is called a temporary cul de sac. It is a permanent highway; it will become a public highway; and, the temporary means it can be extended. This is how the buyers are warned about future extension of the road, into the adjacent property, and future owners may want to extend this road and develop this property. This future road is designed as a permanent road and meets the Town standards, 30 foot, 50 foot right of way. The designation of "temporary" relates only to the length of the road.

According to Mr. Overton the cul de sac as designed is a permanent cul de sac, and it is recognized that the property to the south is undeveloped, and there is future potential development with extension of this road. There are notations on the plans which say this, along with notations showing the extended road would be deeded to the adjacent lots.

Mr. Todisco asked about the layout being the only way to put this number of houses on the property, and said it is an unusual layout.

There were several alternatives and Mr. Overton reported that the applicant worked with Town staff through the process before the application was filed. The layout as presented was the one agreed upon as the best layout. There is an unusual shape to the property; there are site constraints with slopes and access point; and several layouts were looked at. There was consultation with Planning, Engineering, Fire Departments.

#### PUBLIC COMMENTS

Ken Newman, 808 South Meriden Road, said he just became aware of this development and had several questions regarding the application. Mr. Newman asked the following questions.

- Are there any driveways or roadways going out onto South Meriden Road from this project.
- There are 8 houses, and how many are on the road and other multiple driveways.
- Where is the drainage going on this property, which direction does it flow, from where to where and how will it be handled as far as storm water runoff.
- What is the water supply for these properties; will there be public water brought down South Meriden Road to service this development; or will there be a huge demand on his water and aquifer to satisfy the demands of these properties.

In response, Mr. Overton stated the following.

There are two separate driveways proposed out to South Meriden Road, the two lots closer to this road. The remainder of the lots will be accessed from the cul de sac.

Drainage flow – there is a water shed which drains out to South Meriden Road; the zero increase in runoff and water quality has been handled there providing volume storage. Lot #1 has a portion draining out to South Meriden Road. There is a central depression, cross culvert, that runs through Oregon Road, and a portion of the property now drains through this culvert. As part of the storm water management there is provision of detention to maintain the zero increase in the peak rates of flow for the project.

On the water shed map, Mr. Overton showed #10 which delineates an area that drains out to South Meriden Road. So there is only half of lot #1 that drains to this road. A volume and infiltration basin has been provided to attenuate the peak flows leaving the site for this lot and the water shed draining out towards South Meriden Road. He pointed out other water sheds on the map, noting that one extends over a good portion of the remaining land and through a portion of the development, all draining to the cross culvert at Oregon Road. The existing depression was pointed out where water is impounded under existing conditions, which will be retained there under proposed conditions. There is also another detention area provided by the driveway. With the detention areas there is zero increase in peak rates of runoff, and the applicant has provided for that information in the engineering report submitted with the application. In watershed 30 there is another ridge which divides what drains to the reservoir. There are two lots that front on the cul de sac and two other lots are in the back, and they drain out towards the reservoir, and volume storage has been provided for to attenuate the peak runoff. There is also infiltration structures along the driveways to allow for some infiltration recognizing that these are high perm ability soils with good sand and gravel, and good infiltration rates.

The water supply to the lots will be individual wells for each lot, and there is no extension of the public water supply for this project.

Ann Newman, 808 South Meriden Road, asked the following questions.

- What is the time frame for the start and completion of construction.
- One the building starts, will there be trucks with dirt coming in and out, as she had problems with a prior construction on Oregon Road with dirt everywhere and trucks not tarped.
- What are the work hours.
- Her house is on the corner of South Meriden and Oregon Roads where traffic moves fast, and she has problems getting into her driveway with

people pulling out in front of her. With 8 more houses there will be more problems.

- Will there be sidewalks since the original part of Oregon Road has sidewalks, and this development should have sidewalks.
- Which houses are in the R40 and R80 zone.
- For the temporary cul de sac extension where would it be extended and go out – to South Meriden or Reservoir Road.

Mr. Overton provided the following responses.

Construction will start in the summer; the short length of the cul de sac to be constructed can be done in its entirety during the summer building season and get the finished course of pavement down.

As the lots are sold development of each lot will be done at that time, and this is dictated by the market.

Regarding truck access it is proposed that the construction entrance during road construction come off Route 70, South Meriden Road. The construction entrance is shown along the access drive, which is lot #2; there will be a temporary access road along the southern property line down to the cul de sac; construction equipment would access this way. Once the road is completed then the lots are sold off for construction, and traffic for each lot will use Oregon Road and the cul de sac, and take access to the first two lots off South Meriden Road.

Hours of work – there is no specific commitment to work hours other than what the Town requires in the regulations.

There are sidewalks proposed on both sides of the cul de sac, and they are planned to match with the existing sidewalk on the south side of Oregon Road, with details shown on the plans.

The dividing line between R40 and R80 zones is 1000 feet east of South Meriden Road right of way, and falls between the two furthest lots back to the east, on the east side of the cul de sac. This is shown on the plans, and Mr. Overton pointed out the line for the two zones on the plans.

It was suggested by Mr. Cobern that the Mr. and Mrs. Newman look at the actual plans as shown during the public hearing. He noted that this public hearing will be continued to March 12<sup>th</sup>.

Town Planner Voelker invited the neighbors to contact his office for an appointment to review and discuss the proposed development.

There was a brief discussion about the fill pulled out of the Harvest Court subdivision, and Mr. Stollo said there is a concern about this being the same for this proposed development.

Mr. Overton said that on lot #4 there must be some fill placed; there are no large areas of excavation; and there are more areas where fill needs to be placed. The "fill" will be balanced from the site, and it is not anticipated there will be material trucked in.

Mr. Voelker stated that the regulations do not permit a "closet excavation" and this development does not warrant this.

As designed, this plan does not generate a large excess of material, and Mr. Overton said it should be worked out as a balance.

Regarding hours of operation, Mr. Overton stated that the developer would address this at the next hearing.

#### PUBLIC

Ken Newman stated that when there was development on Oregon Road which was constructed to meet the old Oregon Road, there was a huge amount of excavation. There were thousands of truckloads of gravel removed and trucks ran by his house every 2 to 3 minutes for an entire summer with no dust control or tarping, and it was miserable. He has concerns about dust, and wants to make sure this does not happen again. With regard to hours of construction, Mr. Newman said he was awakened as early as 5:30 a.m. when houses were being built on Oregon Road, with loud banging as two men were roofing a house. For the gravel removal there were trucks being loaded and running at 2 a.m. He has reported these issues to the Town and the builder but nothing happened. Mr. Newman wants more restraint on the working construction hours for the proposed development, and that there be reasonable controls placed by the PZC on this project and others to protect citizens.

Mr. Newman asked about the projected GPM flow for the sprinkler systems in full operation and the demand on his aquifer.

In response, Mr. Voelker said that he hopes the GPM will be zero, and the sprinkler systems are for each room and protect people within the home. This is not a big drain on the aquifer at one time.

Mr. Dawson asked about an ordinance regarding working hours for construction projects.

It was stated by Mr. Voelker that there will be discussions with the applicant about terms of the operation and possibly incorporate them as a condition of approval.

Mr. Newman expressed concerns about the larger effect on the water supply, noting there is 1.5 miles between hydrants and the public water supply.

Mr. Overton said he would look into this matter for the next meeting.

THE PUBLIC HEARING WAS CONTINUED TO MARCH 12, 2012.

**VII. ADJOURNMENT**

MOTION by Mr. Cobern; seconded by Mr. Kardaras.

MOVED to adjourn the public hearing at 8:35 p.m.

VOTE        The motion passed unanimously by those present.

Attest:

---

Marilyn W. Milton, Clerk