

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION
SPECIAL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M.
PUBLIC HEARING ON MONDAY, MAY 14, 2012 IN COUNCIL CHAMBERS,
TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Sean Strollo, Vice Chairman; Tali Maidelis, Secretary; Lelah Campo, S. Woody Dawson, Gil Linder, John Kardaras, Louis Todisco

Alternates: Edward Gaudio

Absent: Martin Cobern, Earl Kurtz Jr.; Alternates Jim Bulger and Leslie Marinaro

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Mr. Strollo called the special meeting to order at 8:15 p.m.

Mr. Strollo 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. COMMUNICATIONS

1. Discussion: Review of CGS 8-23, Preparation, Amendment or Adoption of Plan of Conservation and Development.

Mr. Voelker said he had given the Commissioners a copy of CGS 8-23 a while ago which lays out the procedure, talks about the shells, what must be considered. In terms of timing, the Commission has until July 1, 2014 to complete its Plan, and the work will start soon.

Mr. Voelker reviewed CGS 8-23. The Plan can be done by the Commission as a whole, by subcommittee, or subcommittee or residents and other boards and agencies (8-23 c) and Mr. Voelker read this section into the record. The Commission makes the decision on subcommittee membership. It is expected other boards and commissions will want interaction on the Plan, and they can be invited in for special participation.

CGS 8-23-d was read into the record by Mr. Voelker who advised that this section cites what must be considered, including a Community Action Plan, need for affordable housing, use of cluster development, State's new approach, etc.

Item (e) was read into the record by Mr. Voelker. He commented on the need for affordable housing, some consideration of mixed use development into the plan at appropriate locations, etc.

With affordable housing, Mr. Strollo noted the market has dropped, and asked what number would be considered affordable housing.

In reply, Mr. Voelker said there will be more information provided to the Commission on this issue and other things.

Mr. Strollo asked about cluster zones, apartment complexes with lots of open space, and promotion of this.

Mr. Voelker said this must be promoted, and the hard part is what is left in the community, i.e. extension of sewers to areas which the State plan did not support. This is an issue, along with many others, to be discussed.

Mr. Dawson commented on affordable housing, stating that there could be a small mall with some housing.

Using the north end project as an example, Mr. Voelker said it is unlikely affordable housing would be in this project as it is not in the interests of the developer. The statute requires that all of these things be looked at; and there is not much land left to support higher densities.

According to Mr. Voelker there are some differences between the 2002 Plan and the current Plan. A public hearing is required under statute, and 65 days before the hearing, the Plan must be referred to the Town Council, and to the regional planning agencies. The Council may hold one or more of its own public hearings, endorse or reject the Plan, submit comments to the Commission. If the Council opts for changes to the Plan, or rejects portions of the Plan, then the Commission must adopt the Plan by no less than 2/3rds majority.

In this regard, Ms. Campo commented on many hours put in by a subcommittee on a Plan, and the higher body looks at the Plan for a few minutes, and starts making changes. She asked if this tends to happen in this process. She recommended a meeting with the Council and Commission early in the process to avoid problems.

The Commission takes ownership of the Plan, and Mr. Voelker said there is a political end to this which cannot be avoided. The provision is in the statute to have a rational tie between capital improvements and the Plan, as financing for capital improvements is the responsibility of the legislative body. There can be coordination between the legislative body and the Commission. His view is to copy the Council on Plan documents, sections being reviewed, etc. so they are

aware of what the Commission is doing. An issue, under the law, which must be considered by the Commission is affordable housing.

Mr. Maidelis noted that the last time the Plan was done, the Commission had communication with the Town Council and other boards and commissions, and nothing was done in a vacuum.

The Commission was told by Mr. Voelker that the development pattern of the community is mature, and there is not, necessarily, a total rewrite of the Plan. There are specific things which must be looked at by the Commission and considered for the Plan. Tools are being developed by the Capital Region Council of Governments which the Commission will be able to use in its work on the Plan. Mr. Voelker commented on Cheshire having a good history related to open space, water supply, has aquifer protection regulations, and is in good shape.

Mr. Strollo commented on the trail being completed in a few years, and this area being looked at as a commercial zone in the Plan.

Mr. Voelker said that there could be promotion of the West Main Street area, the new streetscape, etc.

2. Letter from Ryan McEvoy, P.E. Milone & MacBroom dated April 20, 2012, Re: Requesting a waiver of fees for Meadowview Estates, Plank Road Subdivision.

Mr. Voelker read the letter into the record of the meeting. He explained that this request has been reviewed, and it is up to the Commission to waive the fee.

MOTION by Ms. Campo; seconded by Mr. Dawson.

MOVED that the Cheshire Planning and Zoning Commission approves the request of Diversified Cook Hill LLC to waive the Resubdivision application fees inasmuch as it is a duplication if the fee required with the initial application for the Resubdivision. The State requires a fee of \$60.00 and the Town requires a public hearing fee of \$175.00. The initial fee of \$2,155 will be waived and the fee will be \$235.00

Discussion

Mr. Voelker noted that the Commission cannot waive the State fee and the public hearing fee. The \$2,155 is calculated on a per lot basis. The application is basically the same as the last time. It was pulled by the applicant pending getting water from the City of Waterbury.

Mr. Todisco asked if fees can be waived in part, or if the entire fee must be waived.

In response, Mr. Voelker said there can be a partial waiver of the fees.

Mr. Todisco commented on the work being done by staff on this application which is paid by the fee.

Mr. Linder asked if there is precedence for waiver of fees.

Mr. Maidelis said it has been done, and sometimes it is because they run out of time. To him, there is a lot of work done by Town staff which was not done before, and he might support a reduced rate of 50%.

Mr. Linder said he would agree to a compromise on the waiver of the fee.

Mr. Todisco agreed with a partial waiver of the fee since there is still a substantial amount of work to be done on this application by Town staff. The fee is a minor amount of money in light of this expensive project.

Mr. Dawson said he does not believe in setting these precedents. In certain cases some of the fees can be waived, but this is not a hardship here. The developer will be building houses, getting the basic price based on his cost, and he does not agree with waiver of fees, and will vote against the motion.

According to Mr. Maidelis the fee is a very small percentage of the total project cost.

Mr. Kardaras said he tends to favor this motion, and said most of the staff work of people paid on a salary has already been done.

VOTE The motion failed to pass with 3 in favor (Campo, Strollo, Kardaras)
 And 5 opposed (Linder, Maidelis, Dawson, Gaudio, Todisco)

A second motion was made as follows:

MOTION by Mr. Dawson; seconded by Mr. Maidelis.

MOVED that the fees be paid as stipulated and presented, in full, as there is no hardship with regard to payment of these fees.

Discussion

Mr. Todisco asked if there is any interest in waiving a part of the fees. He commented on the fact that this development is not proceeding at a rapid pace, and it would look good for the Commission to consider waiving part of the fees.

Ms. Campo said a lot of the staff work has been done and previously paid for. The Town should not have to create a 100% duplication of these fees, and some

concession would be good. Ms. Campo noted that the applicant has not been asked to present a hardship case, and it is possible there could be one.

Mr. Maidelis agreed that it would be good for the Commission to show good faith and make a compromise on these fees.

Mr. Strollo noted that the motion on the floor is to not waive any of the fees. And, this motion could be amended to 50%.

With a 50% fee structure, Ms. Campo said that is \$1,077.50, and asked about making this \$1,000 for a round number.

Mr. Strollo would support a 50% fee waiver.

MOTION by Mr. Maidelis; seconded by Mr. Gaudio

MOVED to amend the motion on the floor to a 50% waiver of fees for the applicant, Diversified Cook Hill LLC.

Discussion on the amendment to the motion on the floor

Mr. Voelker explained that 50% of the resubdivision fee is \$1,077.50, and the full payment would include \$175.00 for the public hearing fee, and \$60.00 for the State fee. The total fee would be \$1,312.50.

VOTE The motion passed unanimously by those present.

**3. Letter from Michael A. Milone, Town Manager, dated May 2, 2012
Re: Repaving of Hilltop Road**

Mr. Voelker read the letter into the record. He commented on this being a complex matter, and it is repaving of a substandard pavement, without any other improvements anticipated. The connection between the two roads will not be eliminated, nor can it be per the town attorney.

**4. E-Mail from Kari L. Olson, Esq. dated 5/2/12, RE: Seated Alternate
And ability to vote.**

Mr. Voelker commented on this e-mail regarding the court case and seating of alternates and whether they can vote on an application. Mr. Voelker said the answer is that seated alternates can vote and participate in discussion before and during public hearings, and afterwards during deliberations. Alternates who are not seated may not participate in deliberations.

For the record, Mr. Todisco stated he sent an e-mail on this court case a few weeks ago.

