

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, MAY 13, 2013 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; Martin Cobern, S. Woody Dawson, Edward Gaudio, John Kardaras, Gil Linder, Louis Todisco.  
Alternates: James Bulger and Leslie Marinaro  
Absent: Lelah Campo and James Bulger (alternate)  
Staff: William Voelker, Town Planner

**I. CALL TO ORDER**

Mr. Kurtz called the special meeting to order at 8:01 p.m.

Mr. Kurtz read the fire safety announcement.

**II. ROLL CALL**

Mr. Kurtz 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. ACCEPTANCE OF MINUTES – S.M. PUBLIC HEARING 4/22/13  
REGULAR MEETING 4/22/13**

MOTION by Mr. Cobern; seconded by Mr. Strollo

MOVED to accept the minutes of the Special Meeting Public Hearing of 4/22/13 and Regular Meeting of 4/22/13 subject to corrections, additions, deletions.

VOTE           The motion passed 8-01; Kardaras abstained.

**VI. COMMUNICATIONS**

1. Letter from John G. Ricci, 714-716 South Main LLC, dated May 9, 2013  
RE: Request to waive the public hearing on an approved special permit.

Mr. Voelker read the letter from Mr. Ricci into the record. This is item #6 under new applications for this PZC meeting agenda. If the public hearing is waived, Mr. Voelker said that staff always advises there be two weeks before action is taken on the application due to the possibility of an interested party wishing to address the PZC.

MOTION by Mr. Cobern; seconded by Mr. Dawson.

MOVED that the Planning and Zoning Commission waive the public hearing for 714-716 South Main Street LLC application, and table consideration of the application until the next Commission meeting on May 28, 2013.

VOTE The motion passed unanimously by those present.

## VII. UNFINISHED BUSINESS

1. **Special Permit Application**  
**Apex Developers LLC**  
**South Meriden Road**  
**Rear Lot Access**

**PH 4/8/13**  
**PH 4/22/13**  
**PH 5/13/13**  
**MAD 7/17/13**

MOTION by Mr. Gaudio; seconded by Mr. Dawson.

MOVED that the Cheshire Planning and Zoning Commission hereby finds that the Special Permit application to construct a rear lot access to serve three proposed residential building lots as shown on plans entitled "Bishop's Corner, Academy and South Meriden Road, Cheshire, Connecticut" dated March 13, 2013, revised through May 13, 2013, and prepared by Milone and MacBroom, 99 Realty Drive, Cheshire, CT 06410, is consistent with the Cheshire Subdivision Regulations and hereby approves this application.

### Discussion

Mr. Todisco commented on the explanation by Mr. Voelker about the footage for a water main extension, 50 feet times the number of lots. So, if this development was 7 lots, extension would have been required. He asked for the rationale based on using the number of lots.

In response, Mr. Voelker said he does not know where the 50 feet comes from as it was before his time as Town Planner. The minutes of past meetings would have to be researched to determine how this number was derived. There is logic to it...maybe the fire department, RWA, Town staff...tried to find a reasonable way to obtain extension of the water line, and it was felt this was a way to approach the issue. Fifty feet was the number agreed upon, and PZC went to public hearing and incorporated it into the regulations.

Mr. Todisco asked if the basis of his rationale is the cost.

There needs to be some reasonable bounds between the requirement for new infrastructure and costs, and Mr. Voelker said he thinks this was part of the reasoning. He commented on extending utilities rapidly, and thus accelerating the pace of development. He noted that this regulation has been around for awhile, and probably done at a time when there was more land ripe for development. Much land has been

consumed since that time. When water and sewer are put into a road, the pace can be accelerated, and this is not always perceived as a good thing. It is a way of controlling pace, coming up with a reasonable way to extend public utilities, and is the burden of the developer, who passes the costs onto the home buyers.

It was stated by Mr. Todisco that for 30 feet people are denied the benefit of public water, along with other health benefits. For future reference, he asked if this is a reasonable regulation.

To make this determination, Mr. Voelker said that he (and commissioners) would have to read past minutes to find out how this was derived.

VOTE The motion passed 6-0-3; Cobern, Kardaras and Strollo abstained.

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| <b>2. Subdivision Application</b><br><b><u>Apex Developers LLC</u></b><br><b>South Meriden Road</b><br><b>6-lots</b> | <b>PH 4/8/13</b><br><b>PH 4/22/13</b><br><b>PH 5/13/13</b><br><b>MAD 7/17/13</b> |
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MOTION by Mr. Gaudio; seconded by Ms. Marinaro

MOVED that the Cheshire Planning and Zoning Commission hereby finds that the Subdivision application to create 6 residential building lots on the westerly side of Academy Road and South Meriden Road as shown on plans entitled "Bishop's Corner, Academy and South Meriden Road, Cheshire, Connecticut" dated March 13, 2013, revised through May 13, 2013, and prepared by Milone and MacBroom, 99 Realty Drive, Cheshire, CT 06410, is consistent with the Cheshire Subdivision Regulations and the Cheshire Zoning Regulations and hereby approves this application conditioned upon conformance to the comments from the Connecticut Department of Transportation dated May 13, 2013.

VOTE The motion passed 6-0-3; Cobern, Kardaras, Strollo abstained.

## VIII. NEW BUSINESS

1. **Special Permit Application**  
**Dalton Enterprises Inc.**  
**71 Willow Street**  
**Alternate Truck Access**  
**SET FOR PUBLIC HEARING ON MAY 28, 2013**
  
2. **Special Permit Application**  
**Ricci Construction Group Inc./John Ricci**  
**1142 Sperry Road/Crestwood Drive**  
**Rear Lot Access**  
**SET FOR PUBLIC HEARING ON JUNE 10, 2013**

3. **Subdivision Application**  
**Ricci Construction Group Inc./John Ricci**  
**1142 Sperry Road/Crestwood Drive**  
**4-lots**  
**SET FOR PUBLIC HEARING ON JUNE 10, 2013**

With regard to the Ricci application, Mr. Voelker explained that this application requires petition to the Council for the rear lot access, rather than extension of Crestwood Drive. It is a public highway, future road extension portion, with use controlled by the Town Council. Once a road is accepted by the Council they must abandon a portion of the road to enable Mr. Ricci to do what he proposes.

4. **Resubdivision Application**  
**Housing Authority Risk Retention Group**  
**Commerce Court**  
**2 lots**  
**SET FOR PUBLIC HEARING ON JUNE 10, 2013**

For this application it is one lot, consolidation of lots, and is also abandonment of a public highway, Commerce Court. Mr. Voelker said there will be a site plan before PZC on the construction of a new building. The applicant has petitioned the Council to abandon a portion of Commerce Court making their property larger for a new 40,000 sq.ft. building. The abandonment of a portion of a public highway is a resubdivision, and by CGS, this is not just creation of one more lot or more lots from an originally approved lot. Resubdivision includes a modification of a public right of way, creation of lots from another lot already recorded and approved, or a modification to an approved subdivision that changes an open space layout. This application will be filed in steps; the first thing needed is a resubdivision; Council approval and CGS 8-24 recommendation for the Commission. The subject application will make the lot bigger for the new 40,000 sq. ft. building to be constructed. The company is an insurance group, and there will be hiring of new people for the business.

5. **Subdivision Application**  
**Diversified Cook Hill LLC**  
**Peck Lane**  
**3-lots**  
**SET FOR PUBLIC HEARING ON JUNE 10, 2013**

6. **Special Permit Application**  
**714-716 South Main LLC**  
**714-716 South Main Street**  
**Construct elevator to provide handicap access**  
**And proposed additional parking**  
**THIS IS AN ACTION ITEM SET FOR MAY 28, 2013.**

Before adjournment, Mr. Voelker requested the Commission hold a special meeting on the Plan of Conservation and Development on Wednesday, May 22<sup>nd</sup>, 7 p.m.

**IX. ADJOURNMENT**

MOTION by Mr. Cobern; seconded by Ms. Marinaro

MOVED to adjourn the special meeting at 8:06 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk  
Transcribed from tape