

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, JUNE 10, 2013, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl Kurtz, Chairman; Martin Cobern, S. Woody Dawson, Edward Gaudio, John Kardaras, Gil Linder, Louis Todisco.

Absent: Lelah Campo, Sean Strollo and Alternates James Bulger and Leslie Marinaro

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Mr. Kurtz called the public hearing to order at 7:31 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. BUSINESS

Mr. Voelker read the call of public hearing for each application.

(Mr. Todisco was recused from applications #1 and #2)

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| 1. Zone Text Change Petition | PH 5/28/13 |
| <u>Bozzuto's Inc.</u> | PH 6/10/13 |
| To add Paragraph 59B to Section | MAD 8/14/13 |
| 30, Schedule A. | |
| Permitted Uses | |
| <i>"Warehousing, wholesale business and...</i> | |

Attorney Anthony Fazzino represented the applicant, stating this is a resumption of the public hearing from two weeks ago. The applicant has heard all the comments and concerns from the commission and the public. A staff memo has been made part of the file with recommendations, and the applicant will comply with these recommendations.

Mr. Voelker read the staff memo dates June 8, 2013 into the record.

The commission was told by Mr. Fazzino that the applicant proposes additional language, and in speaking with the fire officials there is concern about occupancy above the 65 foot level to read "No facilities or space design for human occupancy above 65

feet in height". There will also be language added that full detailed architectural renderings will be part of all the application documents filed pursuant to the special permit application.

The subject application is for a zone text change; there is no specific site; and it is not an application for a building. Such an application would have to come before the commission and Inland Wetlands Commission (IWW) for special permit approval.

At the last public hearing there were public and commission questions and concerns on where the applicant would intend to use this regulation, if approved by the commission. Mr. Fazzone said it must be realized that this is not an application for a specific property, but the Bozzuto property was used an example of how this might fit into a certain geographic area and elevation of the properties.

Mr. Fazzone distributed copies of two photographs, 11 x 17, which were made part of the record.

Darin Overton, P.E. Milone and MacBroom commented on the concerns by the commission and the public on what the 100 foot high building would look like. The applicant has looked at future, potential expansion, and 100 foot height is before the commission for the zone text change. Mr. Overton noted that the parties involved drove around the facility looking for the location of this building, and the Route 10 area was the obvious location. There is some visual impact on Route 10, which is mitigated by landscaping and berms and various architectural materials.

For each of the individual photos on the 11 x 17 composite, Mr. Overton pointed out the location (Route 10, Grandview Court, Peck Lane). He commented on looking at site restraints, visual impact, and said the proposed 100 foot building would be of the same height as the top of the Bozzuto tent.

Mr. Cobern said it is understood that the applicant is not submitting these designs for consideration, but as an example of the types of elevation and viewpoints required, if the zone text change is approved. He explained that the applicant is not submitting an application for any particular site. When (and if) there is an application for a site submitted, Mr. Cobern said people will have the opportunity to look at designs, effect on their property, and ask questions and make comments.

The commission and the public was informed by Mr. Fazzone that Bozzuto's brought in a 100 foot crane and photographs were taken at that height from the crane; and the photos were brushed out and buildings put in.

In the photos, Mr. Dawson noted the red line and asked about this line, and the tent which is set way back in the lower elevation. He said that flying a balloon is important, but is only part of this. The Cheshire Police Department has an antennae on a tower about 156 feet high. A 100 foot high building is setting a precedent for Cheshire and does not set a good example for the Town.

According to Mr. Gaudio this text change is talking about this particular site; it is not in a hole; and a 100 foot building in an I-1 and I-2 zone has 25% coverage. With a larger property, there is a larger building. This will become a special permit application, and Mr. Gaudio stated the commission has a great deal of latitude to approve or deny. He agrees with Mr. Dawson that this is a big and high building.

Mr. Fazzone pointed out that utilizing height saves extra ground coverage and runoff in the storm water issues.

In response, Mr. Gaudio said in this particular example, that is true, but 40 acre site gets 25% coverage, and he questioned how many places in Cheshire this would fly. He is not pleased with the 65 foot height.

With regard to the place where this building could be constructed, Mr. Voelker explained the additional set back requirements which would result in another 35 feet for this site. The proposed regulation would require the same additional setbacks of 2 feet in every direction for every 1 foot of additional height up to 65 feet, and an additional setback of 1 foot in every direction for every foot of additional height up to 100 feet. There would be a total of 65 feet in setback for that portion of the building that is 100 feet high. This application needs IWW approval, and review by the Army Corp of Engineers. At this time the applicant is showing a potential location for this building, and the building is a box, with no articulations, is automated, and must be shaped precisely with no cutouts.

Mr. Fazzone explained that a rack type building does not lend itself to go on top of another building, and many of the typical buildings are not built to this height. With some separate areas such as office space, there is a tendency to break up the appearance of a 100 foot high building.

Town Planner Voelker read letters from the South Central Regional COG and Central CT Regional Planning Agency into the record; and read a letter (with photograph of Walgreen facility in Windsor CT) from John Jauchler, 94 Landsdowne Lane into the record.

Attorney Fazzone noted that no photographs were taken from Landsdowne Lane because of the thick trees and buffers with nothing visible through these trees. Regarding the Walgreen's photo he said the applicant's structure and facility would have no change to the current Bozzuto operation. Employees in the rack building would be technical staff with varied skills. He commented on the value to the Town of Cheshire including personal property (racks), noting the Windsor CT facility has an assessment of \$91.734 million, and assessment of the racks is \$16.4 million.

The commission was informed by Mr. Fazzone that Bozzuto's owns additional property on Dickerman Road/Route 10/along West Johnson Avenue, which has been in the IC-2 zone for 20+ years without development of the site. He stated that the Town should be

please that a business like Bozzuto's has made a commitment to stay in Cheshire and expand its operations.

At this time, Mr. Fazzino said the application is for a zone text change; no one is coming before the commission for a special permit. The commission has the discretion to approve or deny based on the application meeting the requirements.

Mr. Cobern said that Mr. Jauchlar's letter raised many points which must be considered. Mr. Cobern explained the rules for a special permit application, and read excerpts from the Zoning Requirements, as these are what the commission must consider. When there is a specific application before the commission, Mr. Cobern said that property values is a consideration. Right now we are talking about a zone text change, not specific circumstances to file a special permit application. At that point, the applicant would be given an intense level of scrutiny and due consideration will be given to all public comments and concerns. The commission can put in additional requirements, more setbacks, screening, modifications of exterior features, etc. This is not carte blanche, and the commission will be certain that all issues are properly addressed. The zone text change does not authorize anything other than the ability of the applicant, under certain conditions, to submit a special permit application. This is when the commission will look at the specifics of the application.

Stating his agreement with Mr. Cobern's comments, Mr. Dawson said that Cheshire could get a large drug warehouse or WalMart distribution center as long as they meet the applications...which is the same as this application.

Mr. Cobern noted another section of the regulations which deals with the number in proximity to similar structures. Another consideration of the commission is whether the town has enough of these structures already. If you look at the property running between West Johnson and I-91, this is a long narrow property, and a large building would probably not be put there due to added setbacks. Mr. Cobern said if Mr. Dawson and he have concerns about a particular application and do not feel it is in the best interests of the Town as a whole, puts an undue burden on the neighbors, they are free to turn it down, without explanation. They can state the application is not acceptable. It is different from a subdivision application which must be approved if it meets the subdivision requirements. In special permit applications the commission has a tremendous amount of discretion; it has been exercised in the past; the commission has been diligent in protecting the quality of life in Cheshire; and will continue to do so.

Stating he has been in Cheshire a long time, Mr. Dawson said he looks at rules and interprets them in his own mind, figuring out the best way they were put together. He never thought Cheshire would get to this point. The taxes from this project would help the taxpayers. The commission has rules to be followed for a special permit with a great deal of leverage.

According to Mr. Dawson there are not many places in town where this building can go. He used to say the town would run out of land with no more building, but then the trend

is houses being ripped down and larger ones built on small lots. We should be careful of what we wish for as it might not be what you expected in the end. Mr. Dawson commented on the PZC being a good board, with intelligent people serving. He said to look at the big farms when you ride around Cheshire as this is where the large buildings could be built, and in the right zone, this can be done. Mr. Dawson tries to be consistent and aware of what is taking place.

PUBLIC

Ray Ilnicki, 355 Sandbank Road, submitted a list of 34 signatures on a petition stating opposition to the subject application. He reiterated that it should be kept in mind the problem area, and people living without follow through of promises made by Bozzuto's regarding noise and the trucks. It should be added into the amendment that sound testing must be done, which is the same with Napoli Foods. This would provide a standard before the building is constructed, and Bozzuto can be held to this stipulation. Mr. Ilnicki approves of the stipulations from staff on the building materials and lights. He commented on the 59 acres in the north end of town which Bozzuto owns, and the proposed mall development which is not in the I-C zone. Mr. Ilnicki said it is not setting a good example for the town to allow a 100 foot high building next to a mall development of different aesthetics. There is visibility of the site from Landsdowne Lane through the woods to Bozzuto's roof top and the proposed building could also be visible. The intensity of the noise was raised by Mr. Ilnicki, with tractor trailer trucks coming in and out through the night, refrigeration units making noise, jake breaks, air horns, and the smell of diesel fuel. One person has beds moving due to the vibration from Bozzuto's.

Mr. Cobern read Section 21-3 of the zoning regulations into the record, and informed the public that if the noise and problems continue they should contact the Zoning Enforcement Officer to investigate.

In looking at the ration and percentage of commercial/industrial assessments, Mr. Ilnicki said residential taxes are higher with people paying more than Bozzuto.

Ken Wilson, 36 Lincoln Drive, said that 1/3 of zone text changes are approved and the projects never go through, so there is no guarantee this project will go through at the stated location. He is not afraid of change, and zone text changes should enable businesses and warehouses in town. To maintain an industrial base new systems must be permitted and a 100 foot building supported by racks is better than a chemical storage building. He supports the text change application.

Derf Kleist, 251 Lancaster Way, said the potential site should be in a hole and asked about the elevations on Route 10 from where Bozzuto is located.

Mr. Fazzone reported the elevation is 150 feet, base of the building; RT 10 elevation is 220 feet; and he believes the building is 60 feet lower than RT 10.

Mr. Kleist said that the zone text change must include relative elevation to the nearest streets, and there is no issue with 20 feet above elevation. He said industrial property

must be considered for location of commercial buildings and they should not impact many people. He questioned the statement about no human being above 65 feet, and how this would work for maintenance, emergency situation and rescue etc.

B. Atkins, Peck Lane, submitted a petition from people in the area, and stated the character of the northeast part of town is being killed. This is not just Bozzuto but everywhere in this part of town.

Robert Brucato, 1146 Wolf Hill Road, grew up in Cheshire and it has gone from a bedding community to industrial, and he does not want to see a 100 foot building in town. There is already a 65 foot building at street level. If more taxes are needed the town should get more self sufficient without the need for such a large building.

Eric Mueller, 10 Abbey Court, asked about taxes being paid by the proposed building.

Attorney Fazzone explained that there is no estimate of the size of the building, or a specific plan, and the taxes cannot be forecast at this time.

Mr. Mueller expressed concern about noise, stating there is a constant humming from the Bozzuto site and this will get louder. People do not like to make compromises and the stipulations stated should be enforced. In looking at the photographs, he said people will ask...who let this happen. The noise level is an issue and there should be compromises wherever possible. A barrier should be built to reduce noise, and he wants information on the taxes to be paid by this building.

This is a zone text change application and Mr. Dawson said it is not for one location, and this must be made clear. The mall is supposed to be coming in. He thanked people for coming to this meeting.

For the record, Attorney Fazzone stated that he gave examples (at the last hearing) of other properties where this regulation could be applicable, and did not restrict it to just the Industrial Avenue site.

Mr. Dawson wanted to state that the location would not be close to the proposes mall.

When it gets to a zone text change, Mr. Cobern said much is being considered, and the commission acts in a legislative capacity. It is free to accept, reject, modify the application as it sees fit. The grounds for approval include the application being consistent with the Plan of Conservation and Development, and in the best interest of the town. All of the specifics will be discussed in detail. The zone text change approval is not a blanket approval for every industrial site in town.

THE PUBLIC HEARING WAS CONTINUED TO JUNE 24, 2013.

2. Special Permit Application
Dalton Enterprises, Inc.

PH 5/28/13
PH 6/10/13

**71 Willow Street
Alternate Truck Access**

MAD 8/14/13

Dave Carson, OCC Group, represented the applicant and the request for an alternate truck access out to Willow Street, as shown on the plans. In 2001 there was review and consideration of possible means of alternate access as opposed to the current access, down the railroad right-of-way out to Railroad Avenue. A permit was approved by IWW to cross the canal, but the application never went any further. On the plans he pointed out the various areas (gray for proposed access, brown for warehouse building, green easement for the trail given to the State). During the years there have been discussion with the Town, State, and consultants to find a way to mitigate the impact of the truck crossing on the trail onto Railroad Avenue. A safe and viable solution never came up. With the sale (by Dalton) of Ball and Socket property to the Arts Council, the applicant looked into going through this property at the coal shed. It was determined that any adaptive re-use of the Ball and Socket property and driveway access for tractor trailer trucks wipes out potential parking area on this site. Because of the safe crossing of the trail the applicant is back before the commission to seek a secondary access.

PUBLIC

Kim Clark, 66 Willow Street, addressed the commission and advised that her home is directly across the street from the proposed new access on Willow Street. She asked if a traffic engineer or traffic study has been done for the impact of traffic on the street, and if the town would absorb this cost.

In response, Mr. Carson said no traffic study has been done and is not intended to be done. The trucks already run down Willow Street; it is an industrial road; and the only improvement is the catch basin at the proposed entrance.

Ms. Clark submitted a letter dated June 10, 2013 to the Commission and Town Planner. On the plans she pointed out where the trucks come out, and stated the concerns of the residents, the impact on them. She is pleased with the sale of Ball and Socket and this area is on the upswing. Ms. Clark cited safety concerns for the 34 homes on the street, no sidewalks, children walking to the bus stop, riding bikes, pedestrian traffic, and Willow Street as a loop to get to the center of town. The street is highly used as a cut through, and the trail and arts center will add additional traffic to an already busy street. Doubling tractor trailer usage on the street will further compound the problems.

Ms. Clark cited the physical limitations of Willow Street, which is a narrow curved road; the western side of is 11.6 feet from the middle line to the edge of pavement. There are questions about the ability of a wide tractor trailer being able to negotiate a turn without encroachment to the other lane and opposing traffic. The condition of the road shows significant cracks and sinking areas, which will deteriorate further with the impact of more heavy trucks. There is an environmental impact with increase in noise levels, engine exhaust, illumination from lights, loss of the natural buffers, and negative impact on the environmental ambiance and will bring hardship to the land owners.

Mr. Clark noted that the number of trucks each day, in and out, will increase to 20 to 50.

Holly Smith, half owner of 57 Willow Street, read excerpts from her letter, and said her property abuts the Dalton site to the north of the proposed truck access, and she has concerns about the property value of her home. There will be up to 30 to 60 trucks going in and out of Willow Street every day, and she has concerns about this.

Town Planner Voelker stated that there are 15 to 25 tractor trailer trucks under current operating conditions, and another driveway would double that to 30 to 50 trips daily. He disagrees that all incoming traffic goes down Willow Street...it is an exit and entrance.

Ms. Smith informed the commission that her back yard abuts where the traffic goes through; there is diesel fuel smell, noise, beeping, trucks idling, vibrations, storm drain issues. Willow Street was defined as a light industrial road and it has become a heavy industrial road. Ms. Smith reported that the street is 26 feet wide at her house; the alternate truck driveway will be 30 feet wide, and this seems out of proportion and excessive. Maintenance is an issue for snow plowing, piling snow on abutting properties, loss of a site line to Spring Street, and is there curbing for the driveway or will it be on the grass. Ms. Smith asked about additional berms and buffers, signage, the fire hydrant near the proposed driveway and keeping this hydrant, lighting plans, proposed rain garden, and hours of operation being limited to 9 AM to 5PM Monday through Friday. She also asked about the Railroad Avenue exit/entrance; there is a gravel driveway into the old Ball and Socket site; and this area could be expanded, leaving Willow Street alone.

Andrea Hale-Moutinho, 154 Willow Street, stated she is a new resident of one year and with the traffic on the street cannot let her children out to play. With the new Stop & Shop gas station the street is a cut through. There are drainage issues on her property, and she does not want additional problems. Ms. Moutinho commented on the noise levels, traffic impact, and whether this road can handle the traffic and the drainage issues. She questioned how notices are given for meetings such as this one, and why residents did not get notice.

Mary Barber, 496 Spring Street, advised the commission she has articles on Dalton going back to 1996 when she first purchased her home. On the plans she pointed out her house, and said that trucks have run over her property while making turns; she has seen trucks turn over into the ravine. When she reported these instances, there was retaliation from Dalton with honking horns, brighter lights, snow plowed onto her property. She called the police and EPA about the noise, smells, and the high number of trucks, 24/7 each day. At one time Dalton was considered light industry and has now expanded to a medium to large company. She asked about taxes paid by Dalton as of 2012, and understands the company gets a tax break. Ms. Barber proposed that Dalton use some of the \$1.1 million from the Ball and Socket sale to move to a more industrial site in town. She believes there will be another new entry way on Willow Street which will impact the surrounding community.

Darlene Smith, 57 Willow Street, has lived in her house for 60 years. She briefly reviewed the history of the area and the Dalton property. She has a chronic lung condition and the smells from the site affect her health.

Normal LeClerc, 43 Willow Street, business owner, can hear the noise from the trucks coming up the road, the jake breaks, horns, etc. and this is not the place for big trucks. He said Dalton has outgrown this site and should find another larger place for its facility and move on. Mr. LeClerc commented on the difficulties trying to get out onto West Main Street from Willow, and sometimes having to back up and let a large truck through. The whole thing is an accident waiting to happen on this street.

Dorf Kleist said there are miles and miles of the Linear Trail and asked why the access must go where it is planned when Dalton would have a better way to go. He said Stop & Shop does not move its snow piles at its site, and if this is part of the application for Dalton it should be in writing. A residential road is a 50 foot right-of-way; an industrial road is a 60 foot right-of-way. He asked about the maximum weight of a fully loaded truck, and maximum weight of a load for Willow Street, how much the street can take, noting that the Town pays to rebuild this road. Mr. Kleist questioned what would happen if the road gives way, if there is an industrial spill, and the company's reaction to an emergency situation.

Jennifer LeClerc, 43 Willow Street, stated her concerns about trying to get out of Willow Street onto West Main, the waiting, and semi-trailers coming in and forcing the drivers to back up for them to get onto the street. She questions what will happen when there are 40 to 50 trucks a day, as this area cannot handle this much traffic. The residents hear these trucks throughout the night, they race down the dirt road, and do this on Willow Street where families and kids are outside.

Dave Carson, OCC Group, advised that public notice is provided according to State statutes in the local news papers on applications. He can sympathize with the residents and their comments and concerns. Relative to the Dalton operation, he said there is no increase in the operation or size of the operation; there will be an increase in the number of truck trips on Willow Street; but there will not be an increase in the number of tractor trailer trucks. Last year the warehouse was approved for Dalton and there is storage inside the building, and now there is a proposal to improve the truck circulation pattern. On the plans he pointed out the entrance and exits and the advantage to having a secondary access for truck movement. The driveway is wider than Willow Street for movement room to make a turn, and with the driveway a truck can cross the center line to make a turn.

At the expense of Willow Street residents, Mr. Carson said Dalton is trying to solve a problem to facilitate construction of the Linear Trail without impact of trucks crossing the trail. This will make an easier operation of truck turning. Movement of material across the driveway will be minimum. The proposal is an improvement in the overall operation but it will impact the Willow Street residents. He noted that all public right-of-ways are designed for H20 loading.

Mr. Carson emphasized the amount of time spent with the State and Town trying to come up with a viable means of crossing the trail, and assure safety of people using the trail. There was a look at bringing the driveway out to West Main Street, but DOT did not approve this, and Dalton has been trying to come up with an alternate plan for 12 years through the design and work on the trail. At one time it was thought that Dalton would expand to the Ball and Socket site once they purchased it. Mr. Carson appreciates the concerns of the Willow Street residents, and stated that if there are any other things which can be done to address resident's concerns, they will be implemented.

Mr. Carson noted that for the house close to the proposed new access the applicant moved the driveway further away than the 2001 plan; it is beyond the building setback line; and there will be berms and plantings. The town owns 13 feet of right-of-way outside the edge of pavement and must maintain this area.

Chairman Kurtz asked about the sale of Ball and Socket and elimination of all the frontage on Willow Street in this area.

In response, Mr. Carson said yes it does, and he pointed out the cut line. Being outside the coal shed requires a land acquisition from the adjoining property owner, and a land swap was unsuccessful. He referred to property on the plans saying that if Dalton wanted to sell this property they would want to maintain a 50 foot easement.

The application is for an alternate truck access to facilitate the movement of trucks in an existing operation, and Mr. Carson said there are no additional trips. It is allocation of where the trips are, and they will all be on Willow Street. It is designed to make sure getting off and back onto Willow Street was as simple and safe as possible. Without the second access everything will continue to come in and out as now.

Mr. Gaudio said that the driveway is moved already, and questioned moving it further.

It will not be moved further and Mr. Carson pointed out that this is the loading dock end of the building, and it designed to have tractor trailer trucks parked at the loading dock and still be able to make the maneuver.

PUBLIC

Kim Clark asked where Willow Street residents go next; who is more valuable...the Linear Trail, the coal shed, historic building, or Willow Street. She asked if she should go to the Historical District Commission, Linear Trail committee, or back to the PZC. She said the residents are collateral damage and everyone admits this.

Darlene Smith invited commissioners to visit her home to see and listen to what goes on every day.

Mr. Cobern thanked the witnesses who stayed with the facts which the commission can consider. Commissioners can visit the site, but cannot have an ex parte discussion with the people.

THE PUBLIC HEARING WAS CONTINUED TO JUNE 24, 2013.

- 3. Zone Text Change Petition** **PH 6/10/13**
Core Development LLC **MAD 8/14/13**
To add a new section: Section 43.8
Planned Residential Infill Development
And add Para. 6G to Section 30, Schedule A,
Permitted Uses.

Attorney Fazzone represented the applicant for adding a new section 43.8 to the regulations for the area on Route 10 from North Brooksvale Road to Maple Avenue. If approved, the zone change would allow an increase in density on R-20A property, excluding anything in the S.D. D. zone. "Infill" comes from the concept of the State of Connecticut Plan of Conservation and Development (Plan). The State has determined that it will not fund municipal projects to extend municipal infrastructure, which primarily affects sewers, to the more less dense areas of a community. If the town extended sewers to outlying areas the State would refuse to fund them. The State has asked towns to look for development opportunities where services and facilities already exist, and this is referred to as "infill".

A Town of Cheshire map was introduced (as depicted in the Plan 2005-2010). On the plan the color red is Route 10, and the pink areas are referred as neighborhood conservation areas, and these are the residential areas combined with the facilities plan for sewers. Mr. Fazzone said the areas being proposed for this application are all within that zone – between Maple Avenue and North Brooksvale Road on Route 10.

Michael Looney, Senior Planner, Milone and MacBroom, distributed copies of his report on the proposed zoning text amendment. A copy of the report is part of the file in the Planning Department.

Mr. Looney reviewed the various sections of the report on the purpose of the zoning amendment, why R-20 Zone in general, why this section of the zone in particular, demographic considerations, housing market considerations, Town of Cheshire POCD 2007 including residential chapter, commercial chapter, generalized land use map, COG POCD, land use and growth patterns, housing,. He noted the State of Connecticut Draft Plan 2013-2018 including growth principles 1, 2, and 3, State of Connecticut Plan 2005-2010, and information on likely market for compact, mixed use residential.

According to Mr. Looney's report, the median age of Cheshire residents has increased by almost 10%, and percentage of residents 60 and older has grown by 30% in 10 years. The percentage of residents age 25 to 44 has decreased by 21%. The median

age increased by 3.8 years to 42.2 years, and it was 39 years 10 years ago, and this indicates the community is aging. This median age shows people staying in town from one census to the other, with few younger people coming into town.

Mr. Voelker said this is the out-migration of younger people.

Mr. Looney said the demand will continue to rise for infill residential development in outlying suburbs. The report also suggests that as baby boomers age many are choosing living environments with more urban than suburban characteristics.

Mr. Dawson commented on all this going back to years ago, with families living above the stores, on a bus route, and mobilize around and out of town.

Attorney Fazzone said this proposal is not specific to one site there would be mixed use...it is strictly residential. The use is put in amongst businesses that exist along this corridor. Now that the sidewalk system is completed through the center of town there are more people walking. This proposal would give more support to these businesses and services in the R-20 A, and to co-mingle and become mixed use. When you compare office use with this residential proposal in R-20 A zone, you see less parking areas, less intense buildings completely residential in character.

It was noted by Mr. Cobern that one of the regional planning agencies made a comment about the failure to specifically include affordable housing. He asked if the town gets credit for housing that is affordable, even if it is not specifically designated as affordable, but meets the criteria.

In response, Mr. Looney said "no"; that to get credit for affordable housing the units must be governmentally assisted, deed restricted or have CHFA mortgage.

Mr. Cobern said these units might attract next generation Cheshire residents, town employees, who otherwise might not be able to live in town.

Attorney Fazzone asked the commissioners to read the report, and questions can be more specific at the next public hearing. He may have a conceptual drawing of an office building and residential component on a site for viewing at the next meeting. Under this proposal the sites stay within walking distance to Town Center, Library, shopping.

Mr. Fazzone read a sentence from the residential section of the Cheshire Plan, item #2 on page 7, Community Residential Goal, into the record.

Mr. Dawson asked about giving the Route 10 distances, and if this means that a business that could not be there before can now be in this corridor. The zone is already R20-A, and we are adding a different type of use into the zone, and this applies to one half acre to two acre parcels. The density is increased to residential in this zone, more office space cannot be built, and only residential density can be

increased. In discussion with the Town Planner's office, the amendment is written to discourage anyone from doing away with an existing R20-A office use or non-residential use to create residential use. Everything is by special permit.

Mr. Todisco asked about this being about economics with a bank moving out and a 7 apartment building moved in.

Mr. Fazzino said this is meant to be discouraged.

Mr. Todisco asked why this is just Route 10, and why it is not in any R-20 area.

This is because of the walkability, and Mr. Fazzino said the Plan talks about vitalizing the Town Center, getting more people into this area. This is why this area was chosen, with sidewalks along the way. Part of the concept is to discourage car traffic.

According to Mr. Todisco there is a finite number of locations in this area that are being discussed.

It was thought to initially control this, and Mr. Fazzino said if it was a great thing, it could be expanded.

Mr. Cobern said this proposal would put Cheshire ahead of the curve. From a national energy consumption and environmental point of view this is the type of development that is being encouraged. A large energy use is suburban sprawl, and there are efforts to revitalize the town centers for young people and senior citizens, encourage pedestrian traffic, and reduce energy use. This proposal covers both of those.

Mr. Voelker read a letter from Council of Governments into the record. He read an excerpt from his staff report of June 4, 2103 into the record.

THE PUBLIC HEARING WAS CONTINUED TO JUNE 24, 2013.

4. Resubdivision Application
Housing Authority Risk Retention Group
Commerce Court
2-lots

PH 6/10/13
MAD 8/14/13

Mr. Voelker advised that an 8-24 referral is required for this application.

Attorney Matthew Hall represented the applicant along with Darin Overton, P.E. Milone and MacBroom and he advised that Bill Llewellyn, Senior V.P. HAI, was present for the application.

Attorney Hall stated that the applicant has been a corporate citizen of Cheshire since the late 1980's, occupying the end of the cul de sac on Commerce Court. Over the years the applicant has acquired the subdivided lots surrounding its current building and

the end of the cul de sac. HAI employs 120 people at the Commerce Court site and 30 employees in other places in Cheshire. The company wants to expand its operation in Cheshire and house the entire operation in one location.

On the plans, Mr. Hall pointed out the HAI existing building, existing cul de sac, and resubdivision application to include lots 4, 5 and 6, to construct a 40,000 sq. ft. building across from where the existing cul de sac terminates. There would be a connection between the two buildings, reduction of the existing right-of-way to a point eliminating 14,000 to 15,000 sq. ft. of the cul de sac.

Because the application necessitates abandonment of a portion of the right-of-way, it calls for a public hearing and 8-24 referral from the commission to the Council. There is requirement for Council approval in conjunction with the PZC application process. In May the Council approved abandonment of the portion of Commerce Court, contingent on PZC approval of the resubdivision. Part of that contingency with the Council would be a favorable commission recommendation under CGS 8-24.

Mr. Cobern asked about lots 7 and 8 and if HAI owns these lots.

In response, Mr. Hall said HAI does own the entire surrounding area of the cul de sac.

Some of this area will be used for parking and private driveway, and Mr. Cobern asked for a stipulation that there would be no further subdivision, or lots 7 and 8 have no future access to the street. This becomes one campus.

Mr. Voelker said there should not be stipulations because in the future it may be needed. The only way they could subdivide is if they met all of the requirements, or it would not be approved.

Mr. Dawson commented that the only one that benefits from cul de sac is the current owner, and if this correct.

Mr. Hall said the length of Commerce Court was pegged to the number of lots approved. If this application is approved with two major lots as opposed to the six being subdivided, it would not be required to be this far down. On the plans he pointed out the existing structure which meets the cul de sac, and there are neighbors on Commerce Court.

Mr. Voelker explained that he had a conversation with Mr. Overton about handling all the utilities in the road and what needs to be done.

The commission was told by Mr. Hall that he has discussed issues with the Fire Department and the applicant is aware of engineering comments, and has no objections to making any changes.

THE PUBLIC HEARING WAS CLOSED.

5. Subdivision Application
Diversified Cook Hill LLC
Peck Lane
3-lots

PH 6/10/13
MAD 8/14/13

Darin Overton, P.E., Milone and MacBroom, represented the applicant. The site is 505 Peck Lane, on the northwest side, 18 acres, and he pointed out the wooded area on the conditions map. The former residence was torn down last year. The site abuts Quarry Village near the emergency access. It is in two zones, R-40 and R-80, which is split by the old trolley line. Three (3) homes will be on the front portion of the lot. Development area is in the south east corner of the property under current R-40 zoning. No roadway extension is planned; each home has frontage, driveway, septic systems, public water. Testing has been done and submitted to Chesprocott.

The subdivision has been reviewed by Engineering Department; storm water management for the individual lots has rain gardens to handle impervious for the house and driveway; and the application awaits IWW approval.

THE PUBLIC HEARING WAS CONTINUED TO JUNE 24, 2013.

VI. ADJOURNMENT

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

MOVED that the public hearing be adjourned at 10:56 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk