

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. SPECIAL MEETING PUBLIC HEARING ON MONDAY, JULY 22, 2013, IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl Kurtz, Chairman; Lelah Campo, Martin Cobern, S. Woody Dawson, Edward Gaudio, John Kardaras, Gil Linder, Louis Todisco. Alternate – Leslie Marinaro
Absent: Sean Stollo and alternate Jim Bulger.
Staff: William Voelker, Town Planner

I. CALL TO ORDER

Mr. Kurtz called the regular meeting to order at 9:10 p.m.

Mr. Kurtz read the fire safety announcement.

II. ROLL CALL

Mr. Stollo 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 – PH 7/8/13 AND S.M. 7/8/13

MOTION by Mr. Cobern; seconded by Ms. Campo

MOVED to approve and accept the minutes of the PH 7/8/13 and S.M. 7/8/13 subject to corrections, additions, deletions.

Correction: Under public comments, Dalton Enterprises, Inc. application, Ms. Smith did not see the plans for the Rails to Trails.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

- 1. Letter from Walter J. Gancarz, P.E. dated 7/11/13 in response to Mr. Sakonchick's letter of May 28, 2013.**

The letter was submitted and made part of the record of the meeting.

- 2. Letter from Michael A. Milone, Town Manager, dated 7/17/13
RE: 8-24 Review of Proposed Fiscal Year 2013-2014 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget.**

Mr. Voelker read the letter into the record of the meeting.

MOTION by Mr. Cobern; seconded by Mr. Kardaras

MOVED that the Planning and Zoning Commission finds that the Proposed Fiscal Year 2013-2014 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget for the Town of Cheshire is not in conflict with the Plan of Conservation and Development. This shall constitute the Commission's report relative to a review in accordance with Section 8-24 of the Connecticut General Statutes, as required by Section 7-2 of the Town Charter.

VOTE The motion passed unanimously by those present.

3. Letter from Maureen Fitzpatrick dated 7/7/13 RE: In-law apartment Renewal.

MOTION By Mr. Cobern; seconded by Ms. Marinaro

MOVED that the Planning and Zoning Commission grant a five year extension of the approval for the in-law apartment, property located at 25 Whispering Hollow Court, Cheshire CT 06410, as generally shown on Assessor's Map No. 76, Lot No. 81, in an R-80 zone.

With the following stipulations:

1. All previous stipulations shall remain in effect.
2. This approval shall expire on July 22, 2018. The applicant may request an extension of the permit by providing the Commission with a notarized statement verifying that the use of the in-law apartment complies with the regulations and that the resident of the in-law apartment qualifies under these regulations.

VOTE The motion passed unanimously by those present.

VI. UNFINISHED BUSINESS

(Commissioner Todisco was recused from this application)

(Commissioner Campo stated that she was absent from recent meetings, but has familiarized herself with the record of the meetings in order to participate in discussion and voting on the applications.)

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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 | PH 6/24/13 |
| 30, Schedule A. | MAD 8/14/13 |
| Permitted Uses | |
| <i>"Warehousing, wholesale business and...</i> | |

MOTION by Mr. Cobern; seconded by Mr. Kardaras

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed amendment to Section 30, Schedule A, Paragraph 59B of the Cheshire Zoning Regulations, as amended through July 8, 2013, to permit warehousing, wholesale business and wholesale business warehousing, to have building heights up to 100 feet by Special Permit will provide sufficient safeguards to protect the public health, safety and welfare, and agrees that this amendment will promote efficiency in warehouse operations that are necessary and obtainable through advances and developments within that industry. The Commission also finds that the proposed amendment is consistent with the 2002 Cheshire Plan of Conservation and Development, and the Commission hereby approves of this application with an effective date of August 9, 2013.

Discussion

Mr. Gaudio stated that he is opposed to this motion because it is not in harmony with Cheshire to have a 100 foot building.

Mr. Cobern is in favor of this application which addresses several important issues. It allows the industrial base to expand without increasing the footprint of impervious material; allows use of newer, more efficient means to conduct business in a better and less costly way. The proposed change, in addition to all the standard conditions and requirements of a special permit and several others, gives the Commission a wide discretion to evaluate each individual application to determine whether it is consistent with the nature of life in Cheshire. There are several large industrial plots along East Johnson Avenue where the presence of a such a building would not adversely affect anyone in Town. The particular plot discussed at the public hearing has a geography of being in a large depression so a 100 foot building will not tower above existing buildings built, for example, at grade level along Route 10.

Mr. Dawson would have liked more compromise on the height, realizes the economic part of this, but also sees invitation to other avenues of distributors to move into Cheshire and do the same thing. In the past few years he has seen many zone changes. He is not sold on this or against it, and will abstain from the vote.

After reviewing the application and listening to the testimony, Mr. Kardaras cannot imagine people saying Cheshire used to be a wonderful town when there is a 65 foot limit, but with 100 feet it is no longer such a town. Under all the circumstances this is reasonable and more attractive for businesses to come to Town.

Ms. Marinaro stated she has listened to the testimony and her initial thoughts were to deny the application based on her wish not to see the direction which the public commented on...development of tall monstrous buildings, this is not the character of the town she grew up in and move towards. With review of a special permit the Commission takes into account many items, has more lead way, considers peak traffic

loads and hazards created by the proposed use in traffic patterns, nature of the surrounding area, extent to which the proposed use, features and appearance will be in harmony with the surrounding area. In Section 40.5 there are additional conditions and safeguards, and she read an excerpt from this section into the record. Ms. Marinaro said that in listening to the testimony she questioned her initial thoughts because she agrees it depends on the topography, the argument that a 100 foot building may not be more visible than a 50 foot building based on the site topography was a good one. Any applicant looking to extend a 100 foot building would have to come with a special permit before PZC, and this provides a right solution. This gives the Commission lead way in looking at applications on a case by case basis to see if it is consistent with Plan of Conservation and Development. These all played into her decision, and she will vote in favor of the motion.

Mr. Linder stated this is an opportunity handed to Cheshire to maintain its competitiveness with other towns for high technical warehousing. He noted that Wallingford CT has 80 to 100 foot height for buildings, so Cheshire competes with Wallingford in development of industrial zones. Mr. Linder supports the motion on the floor. This is a general text change, not a site application for Bozzutos at the existing warehouse.

For the record, Ms. Campo commented on her absence from recent meetings, and stated she has familiarized herself with the record, has met and discussed the application with Town Planner Voelker and Mr. Sitko, and made an individual site visit. Ms. Campo stated that we are not voting for a warehouse, but voting to allow someone to apply for this opportunity. This is an industrial zone; we have a Plan of Conservation; there is a significant setback requirement to limit properties under this zone text change. There is also increased revenue for the Town which would otherwise be borne by residents. If the Commission ever has to vote on a special permit under this zoning, she would want to see a balloon test done for the height of the buildings and its visibility.

Mr. Kurtz will be in favor of this application for the zone text change. This will put Cheshire in competition with other towns for industrial growth and taxes. The Fire Department is satisfied with the additional height. And, the Commission can control where the buildings would be placed in the industrial zone.

VOTE The motion passed 6-1-1-1.
 Opposed – Gaudio; Abstained – Dawson; Recused – Todisco.

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| 2. <u>Special Permit Application</u> | PH 5/28/13 |
| <u>Dalton Enterprises, Inc.</u> | PH 6/10/13 |
| 71 Willow Street | PH 6/24/13 |
| Alternate Truck Access | PH 7/8/13 |
| | PH 7/22/13 |
| | MAD 9/25/13 |

Chairman Kurtz stated he informed the neighbors the Commission would not take action on this application tonight, so there would be no action taken on this application at this meeting.

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

PH 6/10/13
PH 6/24/13
PH 7/8/13
PH 7/22/13
MAD 9/25/13

MOTION by Mr. Cobern; seconded by Ms. Marinaro

MOVED that the Cheshire Planning and Zoning Commission finds that the application for 3 residential building lots at 505 Peck Lane, as shown on plans entitled "Subdivision of 505 Peck Lane, 505 Peck Lane, Cheshire CT", revised through June 5, 2013, and prepared by Milone and MacBroom, 99 Realty Drive, Cheshire CT, is consistent with the Cheshire Zoning Regulations and the Cheshire Subdivision Regulations, and hereby approves this application.

VOTE The motion passed unanimously by those present.

4. Zone Map Change Application
Cheshire Route 10 LLC
IC Zone to I-C S.D.D.

PH 6/24/13
PH 7/8/13
PH 7/22/13
MAD 9/25/13

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

MOVED that in accordance with Section 45.B.6 of the Cheshire Zoning Regulations, and after due consideration of the entire record, including the record of the January 28, 2008 approval of the applicant's Zone Map Change, Combined Application for Zone Change To and Approval As an Interchange Special Development District and Approval of Interchange Special Development Project and Aquifer Protection Application (the "Approvals") the Commission finds that the applicant's proposed Zone Map Change, Interchange Special Development District Project Plan, and Earth Removal Filling or Regrading Permit are not reasonable likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state. Furthermore, it is the opinion of the Cheshire Planning and Zoning Commission that this application meets all of the standards laid out in Section 45.B.6 of the Zoning Regulations, and that it may be approved by the Commission.

THEREFORE, the Planning and Zoning Commission approves the petition for Zone Map Change for Cheshire Route 10 LLC, for a change from Interchange Zone to Interchange Special Development District for property located at 1973, 1989 and 2061 Highland Avenue as shown on the current Assessor's Map No. 4, Lot Nos. 9,7 and 4, and shown on the following plans entitled:

The Outlets at Cheshire Special Development Plan, Highland Avenue (Route 10) Cheshire, Connecticut Permitting Set Sheets 1-18, May 20, 2013, Sheet 7 revised through July 19, 2013, and property survey entitled "Property Survey Prepared for W/S Development Associates LLC, Highland Avenue & Dickerman Road, Cheshire, Connecticut" Scale 1" = 100' Date March 13, 2008 Revised through 4/19/13."

For the following reasons:

1. The change is consistent with the Plan of Conservation and Development by providing a mixed use development as stated in the Commercial Goals.
2. The change is consistent with the Plan of Conservation and Development by promoting a project of high quality development through architectural Design and landscaping treatments.
3. The change is consistent with the Plan of Conservation and Development by providing a diverse housing opportunity.

Discussion

Mr. Cobern said that with three combined applications there is a slight change in the nature of mall but all other changes are positive. The traffic study shows a slightly lower estimate than previously approved, with the same improvements; the interior traffic pattern is better than the earlier one with addition of the new properties; there are walkways; the fiscal impact is greater and more positive for the Town. And, while the changes may be significant in terms of the particular shops, in terms of development this is an improvement over the prior plan. It is a positive development for the Town in terms of revenue and nature of the community, and it should be approved.

Mr. Todisco does not think this application is materially different from the approved 2008 application. The consultants affirmed the situation as being the same, and the peer review backs this up. He said the Commission should approve this motion.

VOTE The motion passed unanimously by those present.

5. **COMBINED APPLICATION FOR ZONE CHANGE PH 6/24/13
TO AND APPROVAL AS AN I.S.D.D. AND PH 7/8/13
APPROVAL OF I.S.D.P. MAD 9/11/13**
Cheshire Route 10 LLC
1953, 1973, 2037 and 2061 Highland Avenue
Dickerman Road and I-691

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

MOVED that in accordance with Section 45.B.6 of the Cheshire Zoning Regulations, and after due consideration of the entire record, including the record of the January 28,

2008 approval of the applicant's Zone Map Change, Combined Application for Zone Change To and Approval As an Interchange Special Development District and Approval of Interchange Special Development Project and Aquifer Protection Application (the "Approvals") the Commission finds that the applicant's proposed Zone Map Change, Interchange Special Development District Project Plan, and Earth Removal Filling or Regrading Permit are not reasonable likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state, the Commission further finds that the Zone Map Change to allow the addition .of the properties at 1973, 1989 and 2061 Highland Avenue to the existing Interchange , and comply with all of the conclusions and findings of the Commission in its January 28, 2008 approvals which conclusions and findings are incorporated and made part of these application approvals.

THEREFORE, the Planning and Zoning Commission approves the amendments to the Combined Application for Zone Change To and Approval as an Interchange Special Development and Approval of An Interchange Special Development Project of Cheshire Route 10 LLC including completing the development in three (3) phases for a Mixed Use Development for property at 1953, 1973, 1989, 2037 and 2061 Highland Avenue and I-691, and Dickerman Road, as shown on the current Assessor's Map No. 3, Lot No. 51 and Map No. 4, Lots 13, 9, 7, 6 and 4, and shown on the following plans entitled:

The Outlets at Cheshire Special Development Plan, Highland Avenue (Route 10) Cheshire, Connecticut Permitting Set Sheets 1-18, May 20, 2013, Sheet 7 revised through July 19, 2013, and property survey entitled "Property Survey Prepared for W/S Development Associates LLC, Highland Avenue & Dickerman Road, Cheshire, Connecticut" Scale 1" = 100' Date March 13, 2008 Revised through 4/19/13."

VOTE The motion passed unanimously by those present.

6. <u>Earth Removal, Filling or Regrading Permit</u>	PH 6/24/13
 <u>Cheshire Route 10 LLC</u>	PH 7/8/13
 Highland Avenue, Dickerman Road, I-691	MAD 9/11/13

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

MOVED that in accordance with Section 25 of the Cheshire Zoning Regulations, and after due consideration of the entire record, including the record of the January 28, 2008 approval of the applicant's Zone Map Change, Combined Application for Zone Change To and Approval As an Interchange Special Development District and Approval of Interchange Special Development Project and Aquifer Protection Application (the "Approvals") the Commission finds that the applicant's proposed Zone Map Change, Interchange Special Development District Project Plan, and Earth Removal Filling or Regrading Permit are not reasonable likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state. Furthermore, it is the opinion of the Cheshire Planning and Zoning Commission

that this application, subject to the waiver described below, meets all of the requirements and standards laid out in Section 25 of the Zoning Regulations.

THEREFORE, the Planning and Zoning Commission approves the application for Earth Removal, Filling or Regrading for Cheshire Route 10 LLC for property located at 1953, 1973, 1989, 2037 and 2061 Highland Avenue and I-691, and Dickerman Road.

All as shown on the plans entitled:

The Outlets at Cheshire Special Development Plan, Highland Avenue (Route 10) Cheshire, Connecticut Permitting Set Sheets 1-18, May 20, 2013, Sheet 7 revised through July 19, 2013, and property survey entitled "Property Survey Prepared for W/S Development Associates LLC, Highland Avenue & Dickerman Road, Cheshire, Connecticut" Scale 1" = 100' Date March 13, 2008 Revised through 4/19/13."

Discussion

Mr. Dawson asked about the PZC voting to allow the applicant to take fill, move it around, and take it off the property, and waiving the number of truck loads.

According to Mr. Voelker the PZC is enabling the applicant, under the regulations, to construct their infrastructure closer to boundary lines. There will be some construction activity, not an excavation operation, and material will be moved in and out of the site, particularly for storm water management system, but nothing unreasonable in terms of the site operations.

VOTE The motion passed 8-1; Dawson opposed.

7. **Subdivision Application**
 Ricci Construction Group Inc.
 Sperry Road/Crestwood Drive
 4-lots

PH 7/8/13
PH 7/22/13
MAD 9/25/13

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

MOVED that the Cheshire Planning and Zoning Commission finds that the applicant has demonstrated the request for a waiver of Section 9.1, D of the Cheshire Subdivision Regulations and satisfies the requirements of Section 11 of the Cheshire Subdivision Regulations, and hereby approves this waiver, conditioned upon installation of the residential sprinkler systems in the three (3) new homes on Crestwood Drive.

Discussion

Mr. Cobern recommended the addition of wording to the end of the motion... **"and compliance with the four stipulations by the Fire Marshal in the letter dated July 22, 2013."** Mr. Kardaras agreed with this additional wording to the motion.

Mr. Cobern noted that the State DOH and Chesprocott were agreeable to the use of the wells, and the Fire Marshal has reviewed it and feels the sprinkler system and monitored fire alarm are acceptable. Regarding the question of blasting, this is premature as we do not know the location of the homes on the property. These questions will be addressed by the Town Engineer at the time a building permit is applied for. Mr. Cobern thinks the applicant has met the criteria set for this waiver, and it should be approved.

Mr. Todisco will vote to approve the waiver. However, because Chesprocott and the State DOH approved this is not a determinant, but is evidence that there is some difficulty in putting in the water supply. The Fire Marshal has found the measures to be comparable, but Mr. Todisco does not think his view is determinant either. The Commission makes decisions based on the regulations. Given some of the information raised at the public hearing, the case is stronger. Given the Fire Marshal's review, Mr. Todisco said that saying "no" would cause an unnecessary and undue hardship.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Cobern; seconded by Mr. Gaudio.

MOVED that the Cheshire Planning and Zoning Commission finds that the application for four (4) residential building lots on Sperry Road and Crestwood Drive as shown on plans entitled: "Subdivision Record Plan, Ricci Construction Group, Sperry Road & Crestwood Drive, Cheshire CT" revised through July 19, 2013, and prepared by Connecticut Consulting Engineers, One Prestige Drive, Meriden CT, is consistent with the Cheshire Zoning Regulations, and remaining sections of the Cheshire Subdivision Regulations, and hereby approves this application.

VOTE The motion passed unanimously by those present.

8. Site Plan Application MAD 9/10/13
Consolidated Industries
677 Mixville Road
Expansion to Relocate Hammer Shop

Ryan McEvoy, P.E. Milone and MacBroom, and Sal Capolla, Facilities Director Consolidated Industries, represented the applicant.

Mr. McEvoy stated that the property is located at 677 Mixville Road, in an I-2 zone, on 15 acres, and the Ten Mile River crosses the property to the east. The application is awaiting IWW approval and staff comments.

The expansion of the facility focuses on the east side of the parcel near Waterbury and Mixville Roads. Mr. McEvoy displayed a colored map which showed the existing conditions of the site, existing building, parking area, paved portion to the rear of the building. The applicant wants to create a new hammer shop. At the present time this

shop is located on the west side of the parcel using steam driven hammers. With the expansion the company would use state of the art hydraulic hammers which are more energy efficient, more cost effective, less labor intensive and are quieter than the steam hammers. The location of the new building would be away from the abutting neighbors, and will be a quieter operation. 825 sq.ft. of storage space will be removed and replaced with a 20,000 sq. ft. building, four hammer pits, expansion of the parking lot for delivery truck entrance. There is a slight increase in impervious surface; there must be a storm water protection and measures including rain gardens and dry wells. There will be wetland protection put in place, erosion control measures, and the shape and location of the building conforms with all the zoning setbacks.

Regarding the hammers, Mr. Cobern asked what they are used for.

Mr. Capolla informed the Commission that the hammers are used to hammer steel billets into predetermined shapes for aerospace and military use. The steam driven hammers will be replaced with hydraulic hammers. The hammering is 3 feet above grade; steam hammer anvils are huge; the new hammers have a system of shock absorbers.

Mr. Cobern asked about this facility being closer to some of the neighboring areas.

There are residential properties to the northwest, and Mr. McEvoy said there are residences across Mixville Road, and to the east is the Town transfer station.

With the new building, Mr. Kurtz asked about extra insulation for the noise factors from the building from the hammers.

This has not been researched, and Mr. Capolla said the goal is to reduce the noise, keep all the sound within the building. The steam hammers are in a 65 year old building, brick, open glass and open roof. The new building is the way to go, and noise factors and insulation will be considered.

Mr. Gaudio asked about the noise factor, and if anything is being done on the decibels with current hammers as opposed to the new hammers.

According to Mr. Capolla there is sound mapping throughout the property versus what is there now. Noise levels will be based on construction of the building, i.e. limiting windows, insulation, sound absorbing materials, etc. He said the noise should be less than it is now.

Regarding the use of the hammers, Mr. Gaudio asked if they would be run simultaneously – the old and new hammers working at the same time.

Mr. Capolla said both the new and old hammers will run simultaneously. The product made by the company involves flight safety, must be approved, and before switching to

the new hammers they must prove the process is right before selling to a customer. This will take about a year to a year and a half using both hammers.

With this simultaneous use of old and new hammers, Mr. Gaudio said there would be more noise.

Mr. Capolla said that, in his opinion, there will not be more noise.

Mr. McEvoy clarified that there must be overlap with new and old hammers, and the output will be identical and close to what it is today.

Mr. Dawson asked how long the business is on the site and the hours of operation.

In reply, Mr. Capolla said the business is there 65+ years. The hours of operation are 7 a.m. to 7 p.m. including Saturday with hydraulic presses running as well. With the new hammers it is uncertain at this time if there will be a second shift.

Mr. Voelker read a letter from Linda Bouchard, 786 Marion Road into the record of the meeting.

THE APPLICATION WAS TABLED TO SEPTEMBER 9, 2013.

9. TABLED APPLICATIONS

- a. **Special Permit Application**
City of Meriden
1285 S. Meriden Road/Meriden Water Work Road
(Reservoir Road)
Commercial/Utility improvements and upgrades
To the Broad Brook Filtration Plant
TABLED FOR PUBLIC HEARING UNTIL 9/9/13

VIII. NEW BUSINESS

1. **Special Permit Application**
Consulting and Design LLC
901 West Main Street
Renovate existing convenience store
For a Drive Thru Dunkin Donuts
SCHEDULED FOR PUBLIC HEARING ON SEPTEMBER 9, 2013
2. **Special Permit Application**
HAI Group Facilities/Bill Lewellyn
189Commerce Court
Building Addition and associated
Additional Parking.

SCHEDULED FOR PUBLIC HEARING ON SEPTEMBER 9, 2013

3. Other Planning and Zoning Commission Business

a. Monthly Report from Zoning Enforcement Officer

There was a brief discussion about the sandwich board signs. Mr. Voelker advised that this is being addressed, but on weekends these boards reappear in Town.

b. Other

IX. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Ms. Marinaro

MOVED to adjourn the regular meeting at 10:10 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk