

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, OCTOBER 28, 2013, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl Kurtz, Chairman; Sean Stollo, Vice Chairman; Lelah Campo, Martin Cobern, S. Woody Dawson, Edward Gaudio, John Kardaras, Gil Linder, Louis Todisco
Absent: James Bulger, Leslie Marinaro and Jon Fischer
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. 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. BUSINESS

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

Mr. Voelker read a letter into the record on the withdrawal of application #1 – Consulting and Design LLC.

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| 1. Special Permit Application | PH 9/9/13 |
| <u>Consulting and Design LLC</u> | PH 9/23/13 |
| 901 West Main Street | PH 10/16/13 |
| Renovate existing convenience store | PH 10/28/13 |
| For a Drive Thru Dunkin Donuts | MAD 1/01/14 |
| APPLICATION WITHDRAWN | |

Mr. Voelker read a letter into the record requesting tabling of application #2 – Marbridge Retirement Center, to November 13, 2013.

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| 2. Special Permit Application | PH 10/28/13 |
| <u>Marbridge Retirement Center</u> | MAD 1/01/14 |
| 665 & 655 West Main Street | |
| Assisted Living Convalescent Homes | |
| And the Like. | |
| Sec. 30. Sch. A., Item 7.F | |
| TABLED TO NOVEMBER 13, 2013, Request from Applicant | |

Mr. Voelker read a letter into the record requesting tabling of application #3 – Ball & Socket Arts Inc. to November 13, 2013.

3. **Zone Text Change Petition**
Ball & Socket Arts Inc.
To amend Special Adaptive Reuse
Development District
Section 45.A.12
To add flexibility to the Special Adaptive
Reuse Regulation
TABLED TO NOVEMBER 13, 2013
PH 0/28/13
MAD 1/01/14

4. **Special Permit Application**
Karen A. Reims
27 East Ridge Court
Two dwelling units into one dwelling
TABLED TO NOVEMBER 13, 2013
PH 10/28/13
MAD 1/01/14

Mr. Voelker read a letter into the record requesting tabling of application # 4 – Karen A. Reims, to November 13, 2013. Mr. Voelker told the Commission that this is a special permit, but under the Subdivision Regulations there is a limit to the number of units for a cul de sac. This application exceeds this limit, and the applicant will present its case for waiver of the number of units.

5. **Special Permit Application**
Core Development LLC
589 South Main Street
13 Unit Planned Residential Infill Development
PH 10/28/13
MAD 1/01/14

Attorney Anthony Fazzone represented the applicant along with Ryan McEvoy, P.E. Milone & MacBroom, and Ray Sullivan, Architect.

This is a special permit application, pursuant to Section 42.8 of the Zoning Regulations, and Mr. Fazzone said this section is “Planned Residential InFill Development”. In July, this section was approved through the application of Core Development, and this is the first application under this regulation. The proposed application has the means to take advantage of the existing Town infrastructure (sewers, public water, sidewalks, public transportation, etc.). The Regional Planning Agency was in favor of the zone text change, and this type of development conforms to the Regional Plan of Conservation and Development and State Plan of Conservation and Development. Both plans specifically reference this type of development as a way to retain younger and elderly Cheshire residents in the town.

Mr. Fazzone stated that Milone & MacBroom presented a seven (7) page report on the State and Regional Plans which encourage local zoning allowing mixed use as a right

and to create vibrant, central places where residents can live, work, meet their daily needs without having to rely on automobiles as the sole means of transport.

According to Mr. Fazzone, this project is intended to meet this regulation and allows for high density in the R20-A zone, so there is less impact on existing residential zones. The regulation applies to parcels between North Brooksvale Road and Maple Avenue/Route 10, on half acre to two acre parcels.

Mr. Fazzone explained that this particular parcel is located on the northwest corner of the intersection of Elmwood Drive and Route 10. The property has an existing house built in 1746, post and beam construction, with two apartments and 1200 sq. ft. office. This house will be turned into a single unit house without office space, and the applicant proposes to save this structure in the current location. This building is 26 feet from the street line; the regulation allows approval in this particular use if the building has architectural or historical merit; it would not have to meet the 40 foot setback. A garage will be added to this house which will meet the 40 foot setback.

WPCA has given sanitary sewer feasibility; all other agency comments (RWA, Fire, Town Engineer) have been addressed. There are no wetlands on the site so there is no IWW application.

Ryan McEvoy, P.E. Milone & MacBroom, reviewed the site plan, and displayed an aerial map/view of the Route 10 corridor, near the high school, showing the location of the site. This is a two parcel site, totaling 1.3 acres; the majority of the lot is over one acre in size with a narrow strip along Elmwood Drive; the site plan was superimposed over the existing aerial. The site borders office space to the north, Bartlem Park, Alderson Funeral Home, residential neighborhood on Elmwood Drive, and back exit to the high school parking.

Three handouts were submitted to the Commissioners. These show the elevations, existing house in the far eastern portion of the property (recent addition to the rear of the house and garage), trees, vegetation along Route 10, Elmwood Drive frontage, lawn in the back of the building and some parking area. The site is flat with little runoff from the site.

The colored rendering of the proposed site conditions was reviewed with the Commissioners. Mr. McEvoy said the intent is to save the historical structure; to save the significant trees and vegetation; remove access off Route 10; redirect access to Elmwood Drive; and have a graveled area for emergency vehicle access. The goal is to develop the project with more modern buildings adjacent to the roadways. The site plan incorporates parking and garages; there will be a total of 40 parking spaces for the 13 units (single house and 12 condo units).

Garages will be under the units; the site is graded to be slightly depressed in the front; the 2nd level will be at grade along Elmwood Drive; and there will be 2-3 foot high retaining wall which is consistent with the grading and building along South Main Street.

Each unit will have at least one garage and one space for driveway parking; some units will have two garage space and driveway parking.

Landscaping plans save large trees along Route 10, have perimeter landscaping along Elmwood Drive, along with creation of a robust landscaping plan around the proposed units, and evergreen buffer for the residential properties to the west. The Beautification Committee has approved the landscape plans.

Storm Water Management and Site Utilities were reviewed by Mr. McEvoy, who said the goal is to infiltrate storm water from the impervious surfaces on the property. Soils on site are suitable for infiltration. All roof areas and driveways go into the underground infiltration area of galleries so surface runoff will be infiltrated into the ground; any excess runoff will be at or less than the existing conditions. With the proposal to infiltrate the storm water, the applicant has a chamber system to trap oils and grease; catch basin inserts allow for greater retention of sediment and oil; and RWA reviewed the plans and found the devices proposed to be adequate.

The development will have sanitary sewers; WPCA feasibility has been received; and the system will come off Elmwood Drive; the site will have public water.

As part of the application, a traffic study was done. With the nature of the 13 units, there is a low generation of traffic, and peak hour generation will be 6 to 7 vehicles. This is comparable to the existing building (2 units and office space), so there is little difference in traffic conditions. The main difference is the development coming out onto Elmwood Drive, which is an improvement over the existing condition. The traffic report is part of the PZC package.

Ray Sullivan, Architect, displayed a rendering of the proposed development as it will look from South Main Street. Mr. Sullivan noted that the historical structure and corner trees will remain. An "infill development" building site has presence on the street. The proposed development will have three 4 unit buildings on the site, landscaping, retaining wall, urban town use, defined entry ways, a sense of community space, and will be a green space. All the units are 1600 sq. ft. in size, interior garage, porches, exterior parking spaces, green space, living area on the 1st floor and bedrooms on the 2nd floor, 2 or 3 bedroom units (smaller 3rd bedroom for office or study space). The total bedroom count is 32 bedrooms. Each unit will have front and rear doors. The earlier rendering showed exterior stairs, and these will be removed. There is no parking in front of the units, but there will be guest parking area on site.

Mr. Gaudio asked about sidewalks for the proposed units, and if the sidewalks would be on Elmwood Drive.

The sidewalks are within the complex itself, and Mr. Sullivan said they lead to a paved area to get to the front door of each unit.

Mr. Gaudio had concerns about the high school dismissal with people coming down Elmwood to South Main Street, without a sidewalk on which to walk. The sight line issue was raised by Mr. Gaudio who asked about going north out of Elmwood with proposed trees and if there would be problems. He also asked about the retaining wall.

Mr. McEvoy reported that sight lines were reviewed and they exceed the minimum requirements, so there should be no issues coming out looking to the left. He said the retaining wall will be retained, and is incorporated in the design.

Mr. Gaudio asked about commercial property in the "infill development" zone, and not eliminating commercial property.

In response, Attorney Fazzone said there is a provision in the regulation. It states, that if there is commercial property in an R-20A zone, this use cannot be done away with, and it would remain. On the subject property, the office is secondary.

Town Planner Voelker stated that we do not want already developed R20-A parcels with substantial and operating non-residential uses to be converted to multi family use. The subject parcel is not one of these parcels.

Mr. Dawson questioned the "infill development" (with garages as proposed), and the purpose being people able to walk and not have garages and parking spaces. It was more like city living, walking to places.

Attorney Fazzone said there is a concern from the Fire Department for enough parking for unit guests to have ample parking, and the department wants to be able to get a fire truck in and out of the site.

With emphasis on walking to the center of town, Mr. Kardaras asked how close the development is to the nearest grocery store.

Mr. Fazzone said the nearest grocery store would be the new store in the Staples plaza and Everybodys Market.

The sidewalk issue was raised by Mr. Todisco, who asked about their not being public sidewalks, but internal sidewalks. He asked about enhancement of the project with public sidewalks.

This was not considered and Mr. Fazzone said the applicant might consider this. It is consistent with past PZC actions and requirements.

Stating he was thinking the same about the sidewalks, Chairman Kurtz noted the sidewalks are inside the wall (on the plans), and not something connected to units on Route 10.

In response, Mr. Ryan said this makes sense, and he would discuss it with the applicant. He said the Fire Department wants concrete paver area for emergency vehicle access.

Mr. Linder asked about the number of visitor parking spaces and number of garages proposed. He also asked about suitable parking if a unit owner were to have a large party with many guests.

There are six (6) surface spaces, and Mr. McEvoy said they are not in the garages themselves or exterior to the garage. The total parking space count is 40, including garage and exterior garage spaces. There are 18 garage spaces; 16 spaces in front of garages; and 6 visitor parking spaces. Mr. McEvoy expects unit owners would take parking into consideration with a large party and many guests.

It was noted by Mr. Gaudio that during school hours, cars cannot park on Elmwood Drive.

These are small units and Mr. Fazzone said he does not expect people would have a large party with over 30 to 40 guests. He noted there is parking at the Youth Center, Bartlem Park, and the high school which are, usually, not filled in the off hours.

Mr. Sullivan informed the Commission that the total square footage of the largest building on the site is 4,800 sq. ft. He will insure that the architecture of the back buildings is consistent with the front buildings. Traditional elements will be in the design, including porches, gables, windows, etc. There are no handicapped units, but there can be accommodation for handicapped use, if requested. The applicant has checked with State building officials, and the development meets the guidelines, and there are no age restrictions or requirements for this development. The 13th unit is the existing front building, and it will have living area on the 1st floor, and 2 bedrooms on the 2nd floor.

With the proposed condo setup, Mr. Linder said they are owner occupied, and he asked if the units can be rented, without restrictions.

Attorney Fazzone advised that within the condominium documents there are regulations and restrictions on renting units. These include rental for minimum of one year, approval of the lease by the condo association, etc. The selling price of the units will be \$300,000+.

PUBLIC COMMENTS AND QUESTIONS

Ken Smoil and Debra Chicoski, 30 Elmwood Drive, informed the Commissioners that they are the house closest to the proposed development. Mr. Smoil informed the PZC that Patton Drive has "no parking during school hours" signage, but not Elmwood Drive. He commented on the many large funerals out of Alderson Funeral Home, parking jam packed on Elmwood Drive with cars for a funeral, not being able to get in and out of the road, and a fire truck could not access the road during this situation.

Mr. Smoil's biggest concern is this development exiting onto Elmwood Drive, and the fact that during the high school morning and afternoon hours, the drive and Route 10 are jammed up. Now, more daily traffic is proposed onto the road which is already heavily used and blocked up, especially with events at the school, funeral home and park. According to Mr. Smoil, vehicles come up fast on Elmwood Drive from Route 10 and this impacts the safety of the neighborhood. He commented on the financial impact of the development on the value of the residential homes in the area. The issue of a dumpster at the development was raised by Mr. Smoil along with the odor of garbage as he sits in his back yard. He asked about lighting in the parking area and on the units themselves which will filter into his house and yard, as there are already problems with the lights from the funeral home. Regarding the maintenance of the proposed development, Mr. Smoil stated that condo associations do not want to spend money on maintenance, or they hire a company which does not keep up with maintenance requirements. He said there are concerns about a traffic disaster with this development, and asked about reducing the size of the project, and also having the exit onto Route 10.

Mr. Strollo commented on the 8 foot high fence with Alderson Funeral Homes, and whether there should be a fence for the proposed development. He said the applicant can work with Mr. Smoil and neighbors on their concerns.

The idea of a traffic light at Elmwood Drive was raised by Mr. Linder.

Mr. Smoil does not believe the State would put a light at this intersection as there are already lights at the high school and Higgins Road.

Harry Coyle, 225 Elmwood Drive, 50 year resident in his house, addressed the Commission on the constant activity at the funeral home, high school, and the park, and now there is a proposal for a 13 unit development increasing traffic and changing the character of the neighborhood. At the present time, Mr. Coyle said people cannot exit Elmwood Drive safely. Parking at the town sites is not available due to activities taking place, and parking at the funeral home lot is not allowed. During the holidays there will be heavy traffic in the neighborhood and the condo development.

Ed Dilman, 875 Wolf Hill Road, expressed his concerns about the high density of this project on this small piece of property. He said the "infill development" is to provide residents the opportunity to walk, but these residents cannot walk to stores or parks. And, he does not believe TBC approved the landscaping project.

Chairman Kurtz asked if any consideration was given to the two parking spaces near the existing house as another access way on the north side to Route 10.

In reply, Attorney Fazzone said the logic was to get driveways off Route 10, and the applicant did not look at additional ingress and egress from Route 10.

Ms. Campo stated her belief that Route 10 would be more problematic, and she asked about the location of the dumpster on site.

The Commission was told by Mr. Fazzone that there would not be a dumpster, and each unit would have individual trash pickup.

Regarding lighting, Mr. McEvoy said the lighting nearest to the neighboring property is located 15 feet away, but with the proposed lighting there will be no intrusion on the neighbors.

Mr. Linder asked if there were any similar condo units on 1.3 acres in Cheshire.

Stating he could not think of any, Attorney Fazzone said he knows within the S.D.D. there is one unit approved per 5,000 sq. ft. of land. The infill regulation is one unit per 4,000 sq. ft. of land. He will research the question on another condo development in town, and provide a response at the next meeting.

With regard to the traffic evaluation, Attorney Fazzone advised the traffic engineer will give a report at the next PZC meeting. He noted that the Commission should consider that this is an R20-A piece of property, and the applicant could propose an office building or similar use as the funeral home, which would present more traffic than that of the condo units.

There are 12 units; there will be eight (8) three (3) bedroom units; there will be four (4) two (2) bedroom units for a total of 34 bedrooms. It was noted by Mr. Fazzone that the third bedroom will be smaller for a study or office use.

Mr. Dawson asked if there was consideration given to cutting the project in half, and he noted it is not age restricted, so there can be families with children as owners.

Stating he cannot answer the question about cutting the project in half, Mr. Fazzone did state that he doubts that would be done. As for the number of units with children, it is expected it would be a very small number.

PUBLIC

Harry Coyle commented on the Lanyon Drive apartments, 2 buildings with 3 units per building, and it being the same size parcel as the proposed 12 unit development. He said this street does not have the same heavy traffic as Elmwood Drive, and believes things are getting out of control in Cheshire.

It was clarified by Attorney Fazzone that there are 7 units on Lanyon Drive on about the same size parcel of land.

Mr. Smoil asked about future changes to the development, after approval, and what would happen.

This is all part of the approval, and Mr. Voelker advised that any changes must be made to the PZC.

THE PUBLIC HEARING WAS CONTINUED TO NOVEMBER 13, 2013.

VI. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Mr. Stollo.

MOVED to adjourn the public hearing at 9:06 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk