

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, FEBRUARY 24, 2014, 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; John Kardaras, Vincent Lentini, Gil Linder, Louis Todisco. Absent: Lelah Campo, S.Woody Dawson, Edward Gaudio and Jon Fisher.

Alternates: Diane Visconti; Leslie Marinaro

Staff: William Voelker, Town Planner; Alfred Smith, Town Attorney; Robert Ceccolini, Parks and Rec Director; Sheila Adams, Pool Coordinator.

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. Strollo 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

1. Earth Removal, Filling or Regrading Permit

Krista Ostuno
Sindall Road

PH 2/10/14

PH 2/24/14

MAD 4/30/14

Mr. Voelker informed the Commission that this property has been identified as being in the National Diversity Base (DEEP Maps). Mr. Voelker read a letter into the record from DEEP Bureau of Natural Resources, Wildlife Division.

Ryan McEvoy, P.E. Milone and MacBroom stated that the applicant and the Ostuno Family are certified by NEU to conduct the type of work cited in the DEEP letter, and can provide a report to the Planning Department.

The applicant was told by Mr. Voelker that there must be compliance with the conditions set forth in the DEEP letter.

For the applicant, Mr. McEvoy replied that they will comply with the conditions in the letter. Mr. McEvoy stated that this is an earth removal permit for a single family home to be constructed on the north side of Sindall Road. There are, technically, two parcels

owned by the applicant; there is no address for the parcels; and the total acreage is about 19 acres. The property is wooded with the exception of the gravel driveway; there are large wetlands on the site; there are steep slopes; and the house will be a single family served by septic system and well, set to the rear of the property. The driveway will be located in the same location as the existing gravel driveway. This driveway exceeds the 20% grade in some areas, and will be a 10% driveway. The Fire Department wants a more gentle sloping driveway. 3,500 cubic yards of excavation will take place to bring the driveway to safer grade level. The remainder of the property will have some cutting and filling. The majority of the earth work will be done in the first few hundred feet. To protect Sindall Road and wetlands during construction the applicant will excavate from the top down so runoff will be in the silt fence area on property owned by the applicant to the east of the current driveway. The driveway will be built to Town standards.

The application has received IWW approval.

Mr. McEvoy reported that the applicant is proposing to stabilize with a permanent excavation blanket which is an erosion control blanket. This blanket allows the soil to be stabilized until vegetation takes hold. The issue of the turtles has been covered as some of the property falls into the data base area of concern, and the applicant has been in contact with the State DEEP.

There were no further questions or comments. The public hearing was closed.

2. Special Permit Application
William C. Sherman
10 Willowbrook Drive
In-Home Professional Business Office
Section 30, Sch. A. #18B

PH 2/24/14
MAD 4/30/14

William Sherman, applicant, stated his plan to conduct a CPA business out his home, and all materials and information have been submitted to the Commission and Planning Department. Mr. Sherman is self-employed, and the only other staff for his business, during busy times of the year, will be his wife and a part time employee. The square footage of the business area is below the 25% as called for in the regulations.

Mr. Linder asked about the number of clients at one time, signage, and the available parking.

In response, Mr. Sherman said there are very few clients coming to his home, possibly half a dozen a year. He usually visits clients at their business sites or homes, and also has office space in Glastonbury. There are no parking issues or problems; the driveway can accommodate a few more cars other than personal vehicles. The Commission was told by Mr. Sherman that there will be no signage, and from the outside no one will know he has a home based business.

There were no further questions or comments. The public hearing was closed.

- 3. Zone Text Change Amendment** **PH 2/24/14**
Town of Cheshire **MAD 4/30/14**
To amend Section 23, Definitions
Add: Recreation Active and Recreation,
Passive
To amend Section 30 Schedule A, Permitted
Uses, Item 29A
To amend and add to Section 32, Schedule B,
Item 7.

Mr. Voelker reviewed the prepared amendments with the Commissioners, noting that changes are in red print, and there is a staff summary for review. (copy attached to these minutes).

Mr. Voelker clarified the difference between the definitions of "Recreation, Active" and "Recreation, Passive" and read the amendments to Section 23, Definitions into the record.

The Commission was told by Mr. Voelker that all municipal uses are by special permit, and he said zoning regulations must be respected for all municipal facilities.

Mr. Voelker read the amendment to Section 30, Schedule A, Permitted Uses, Item 29A into the record:

Municipal Buildings and Uses of the Town of Cheshire and other governmental uses: *All such uses shall be subject to the Dimensional Requirements set forth in Section 32 of these regulations, except as may be noted therein.*

Mr. Voelker read the new Section 32, Schedule B, Item 7 into the record:

7. The height for active municipal recreational facilities may be increased to a maximum of 60 feet, provided there are 2 feet of additional setback for every 1 foot of additional height. Any such modification shall only be granted by Special Permit in accordance with Section 40 of these regulations.

The staff report points out the regulations that enable height of buildings in the I-C zone to 65 feet from 50 feet with the same additional setback requirements, and this is also required in the I-C S.D.D. Mr. Voelker said the recommendation is that the height not exceed 60 feet for recreational facilities by special permit not by right.

Mr. Voelker informed the Commission that the "building at Bartlem Park" is a separate application, and the subject application is to enable a 60 foot height for a recreational facility. The application cannot be approved until March 10 meeting as the Planning Department awaits responses and comments from regional planning agencies.

Parks and Rec Director Ceccolini addressed the Commission and reported that the building over the pool will be approximately 55 feet high, but the 60 feet is cited to allow for any design anomalies. Mr. Ceccolini supports the amendment before the Commission, understands it must be approved, and then the building project can go forward. The height is needed because of the runoff and design and span over the pool. The PBC Pool Subcommittee has looked at building designs, and is actively seeking vendors, with one vendor to be recommended to the Town Council for the project to move along this year. These vendors have visited the site, looked at the plans, and met with the committee. Their expert opinions have been that the height of the building will be 55 feet or less, depending on the final design of the building.

Ms. Marinaro stated her understanding of the application for a specific reason, but noted we may be opening up doors which will be difficult to shut down.

The Commission was informed by Mr. Voelker that the pool bubble was 55 feet high, with no special permit. Because of the proposed amendment the size of municipal facilities must conform to dimensional requirements, the new language in the regulations, and there is better control than in the past. There is a vetting process in place with any capital expenditure, and Mr. Voelker cited an ice rink in the industrial zone which could go to 65 feet by right, without a special permit. The subject application is not doing anything for the municipality. In a traditional land use forum there is residential use, industrial use, commercial use, and Cheshire is governmental use. It is appropriate to write regulations to regulate the town's category of uses for schools, library, police and fire stations, town hall, in response to the public need. The proposed regulation will not give the development community anything.

Town Attorney Smith explained that a number of options were looked at to address the issues, and the option with the least opportunity to create problems was selected. He noted there are challenges and pitfalls in developing municipal facilities, and the option to fix the problem is the best one, and is before the Commission.

The issue of the Town garage being higher than 55 feet was raised by Mr. Stollo.

Mr. Voelker pointed out that the garage is not a recreational activity, and he said the subject regulation should not be confused with other municipal structures.

Mr. Todisco stated that Ms. Marinaro's comment was a valid point – that this applies to municipal facilities, but a private facility could be built to 65 feet. He asked for the size of the Bartlem Park parcel.

The Commission was informed that Bartlem Park is 40 acres.

The prior structure was 55 feet, and Mr. Todisco said this is a large facility in a 40 acre parcel of land.

Mr. Voelker reported that this particular facility is 250 feet from the nearest property line. The regulation proposes at least 2 feet of additional setback for every additional foot of height over 40 feet. A 60 foot building plus 20 feet in height must have an additional 40 feet of setback, i.e. 80 feet from the property line. This is the same for other districts.

Comments from the Central Connecticut Regional Planning Agency dated 2/14/14 were read into the record by Mr. Voelker.

THE PUBLIC HEARING WAS CONTINUED TO MARCH 10, 2014.

VI. ADJOURNMENT

MOTION by Mr. Strollo; seconded by Ms. Marinaro.

MOVED to adjourn the public hearing at 8:15 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk