

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, March 10, 2014, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Earl Kurtz, Chairman; Lelah Campo, Secretary; Edward Gaudio, Gil Linder, Vincent Lentini, John Kardaras, Vincent Lentini. Absent: Sean Strollo  
Alternates: Diane Visconti; Absent: Jon Fisher 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**

**1. Zone Text Change Amendment**

**Town of Cheshire**

**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.**

**P.H. 2/24/14**

**P.H. 3/10/14**

Town Planner Voelker informed the Commission that there will be no further presentation by the Town of Cheshire. His recommendation is to continue this public hearing pending a decision on whether or not the building will exceed the existing height regulations.

**PUBLIC COMMENTS AND QUESTIONS**

Kathy Hodges, 412 West Main Street, expressed her concern on the possibility of the community pool being closed for the summer and if this is correct.

In response, Mr. Voelker advised that the PZC has no control over the operation of the pool. Questions, concerns and comments should be referred to the Park and Recreation Department and Mr. Ceccolini.

Ms. Hodges stated that this pool is a huge revenue generator for the Town and should be available and open to the public. She said the construction of the structure over the pool should be put off until the fall.

Chairman Kurtz stated that the zone change is for all municipal recreation facilities, for passive and active recreation.

Mr. Voelker commented on the PZC's decision on the zone change having nothing to do with whether the pool will be open for the summer, and the PZC decision has no impact on the construction project. He reiterated that specific questions regarding the pool should be referred to Director Ceccolini.

With regard to the pool, Ms. Hodges questioned why the people did not know about the height requirements when the pool was built.

According to Mr. Voelker, no one asked, and the height issue was learned later. At this time it is not certain the zone text change will be needed, as the cover design for the building may be done in such a way that there is no need to modify the regulations.

The text of the proposed regulation, paragraph #7 was cited by Mr. Todisco, as it relates to the height of the structure to 60 feet. He asked for the one foot of additional height "over height number". Paragraph #2 states the maximum height can be up to 65 feet with setback requirements.

Mr. Voelker said the number would be above 40 feet, and to go to 45 feet, an additional 10 foot setback would be required. The pool is in an R-40 zone with a maximum height of 40 feet. Item 7 is the new one, and the proposal is for a 60 foot height, and 65 feet is in the industrial zone. Mr. Voelker pointed out that the asterisk is next to the industrial height, and only applies to the industrial district.

Mr. Todisco asked if 2 feet is sufficient.

Stating "yes", Mr. Voelker noted it is consistent with what has been done in other districts. The height goes to 60 feet for municipal recreational facilities, and only by special permit. The special permit requirements remain consistent with the district. His recommendation to the Commission is to go to only 60 feet and by special permit with additional tests set forth in the regulations.

Mr. Todisco said there would be no right to a 60 foot building even with the additional 2 feet setback for each additional foot.

In reply, Mr. Voelker said “no”...the municipal recreational facilities are in residential zones. The public is invited to provide input, testimony, comments, and the Town wants to hear from the public on a proposal/application before the Commission. Mr. Voelker stated that Bartlem Park is the most appropriate place because it is an active recreation area with multiple facilities...the pool, playscape, skate park, ball fields.

Ms. Visconti stated that the regulation may not have to be changed, and her recommendation is to make a distinction between “passive” and “active” recreation.

In response, Mr. Voelker said the Commission may have to make this distinction.

Mr. Dawson asked how many properties this text change would affect for a special permit.

The Commission was told by Mr. Voelker that this change was written for active recreation municipal facilities. It is not for every parcel the Town owns, i.e. open space such as the Dime and Lassen properties. The sites would include Bartlem Park, Cheshire Park, MacNamara Field and other municipal recreation facilities.

This is a special permit approval only for the Town of Cheshire, and Mr. Dawson said it only benefits the Town, and no other property will benefit by this change because they are not municipal. He asked if this is correct.

Mr. Voelker re-stated that this regulation is written for the Town of Cheshire active recreational facilities, owned and operated by the Town.

Citing the Lassen property, Mr. Dawson understands that a special permit approval was to benefit other people in town. Now, we are saying only municipal facilities. If he wanted to open a rock climbing park, he would not be permitted to do so because it is not a municipal facility.

Chairman Kurtz informed Mr. Dawson that he could open up the park, but it could not be built in a residential area or be more than 40 feet high.

Mr. Voelker said Mr. Dawson could not do a recreational facility in a residential district.

According to Mr. Dawson the main point is the PZC approving a zone text change for the benefit of only the Town and not as a community.

At the last public hearing, Mr. Todisco said the purpose of the regulations was to put some restrictions on the town so things could not be built without being subject to specific requirements. With regard to the benefit of the community, this is why the special permit is required to insure the community has input into any application for a facility.

Mr. Voelker commented on the question being raised as to why the Town puts in a regulation for itself...it is not residential, commercial or industrial. It is a government, with public sector facilities. There should be regulations for the Town for the operation of our municipal facilities.

It was stated by Mr. Dawson that it is, basically, municipal, and he does not know how it got this far. He asked why the Town Council could not have voted on this and passed it, and why the pool did not get a special permit in the beginning.

Mr. Voelker informed the Commission that the Town Council does not have the legal authority to just "do this".

Stating he is not sure Mr. Voelker is right, Mr. Dawson stated the Council is the controller of the Town, and if PZC and ZBA turn down the application, where does it go. His understanding is that the Council would make a decision on this...and he will continue to do research.

Mr. Todisco explained that without increasing this and a special permit to 60 feet height, the Council cannot come in and approve a 65 foot high building and override the zoning regulations. The bubble was higher than it should have been but no one thought about this at the time.

Because people can review and read regulations in different ways, Mr. Dawson stated his surprise that the voters wanted the pool and it is now a complex issue.

After the voters approved the expenditure, Mr. Todisco said that builders stated the structure might have to be 55 feet. This was not anticipated, and is information that must be addressed.

The pool exists and Mr. Dawson said this is a hardship itself.

In response to a public question on the height of the cement wall that the bubble was attached to, Mr. Voelker said it is lower than 40 feet.

#### PUBLIC

Ms. Hodges questioned how something can be voted on while not knowing the structure would be higher than was initially permitted. At one time her opinion was to fill in the pool and get rid of it. If the change is not approved she said the issue goes back to the Council, and the expenditure has been approved...and would the structure be nixed.

Chairman Kurtz stated that the structure would have to be 40 feet or under.

Mr. Linder commented on questions posed to Park and Rec Director Ceccolini about the probability that the building would be less than 55 feet. This question could not be correctly answered because it is just people's opinions at this point – the PBC. They have not gone to a contractor. There is the possibility that the contractor will state 62

feet height. Mr. Linder is in favor of what is being done, but there is an impression that this is a customized regulation for the Town's building that will exceed 40 feet. He hopes people will understand that the Commission is doing this change to get this project through.

THE PUBLIC HEARING WAS CONTINUED TO MARCH 24, 2014.

2. **Special Permit Application**  
**David G. Blakesle/Doreen Blakeslee**  
**350 Fenn Road**  
**In-Law apartment**  
**Section 30, Sch. A. Para #5.**

**PH 2/10/14**  
**PH 3/10/14**  
**MAD 5/14/14**

David and Doreen Blakeslee presented their application for a 730 sq. ft. in-law apartment, and said they understand the regulations associated with an in-law apartment.

There is one comment about "drainage" and Mr. Voelker stated the applicants will have to install a dry well on the property. The applicant will comply with this stipulation, and the town engineer is okay with this application.

Ms. Blakeslee provided information about the addition to the house. They are adding a garage next to the two door garage; the apartment will be set behind the garage and will not be visible from the street. Her mother will live in this apartment, which will be a kitchen/dining area/living room/bedroom/bath, and a laundry room added to the house. Everything will be connected together. The square footage of the lot is 34,732 in an R-40 zone. Neighbors have no opposition to the in-law apartment.

Mr. Blakeslee informed the Commission that the house is hard wired for a fire protection system and the addition/in-law apartment will be the same.

## **VI. ADJOURNMENT**

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

MOVED to adjourn the public hearing at 8:05 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk