

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD IMMEDIATELY FOLLOWING THE PUBLIC HEARING ON MONDAY, MAY 12, 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; Edward Gaudio, Gil Linder, Vincent Lentini, John Kardaras, Louis Todisco.

Absent: Lelah Campo and S. Woody Dawson

Alternates: Jon Fischer, Leslie Marinaro, Diane Visconti

Staff: William Voelker, Town Planner

**I. CALL TO ORDER**

Mr. Kurtz called the special meeting to order at 8:16 p.m.

Mr. Kurtz read the fire safety announcement.

**II. ROLL CALL**

Ms. Campo 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 – Public Hearing 4/28/14 and Regular Meeting 4/28/14.**

MOTION by Mr. Kardaras; seconded by Mr. Lentini.

MOVED to accept and approve the minutes of the Public Hearing of 4/28/14 and Regular Meeting of 4/28/14 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

**VI. COMMUNICATIONS**

**1. Letter from Anthony J. Fazzone, Esq. dated 5/6/14 RE: Earth Removal Filling and Regrading Permit – Cheshire Route 10 LLC.**

Town Planner Voelker read the letter into the record of the meeting.

MOTION by Mr. Kardaras; seconded by Mr. Todisco.

MOVED that the Planning and Zoning Commission hereby extends the existing Earth Removal, Filling and Regrading Permit application of Cheshire Route 10 LLC granted in conjunction with the approval of the Interchange Special Development Project known as the Outlets at Cheshire for a period of one year from the date of public notice of approval to July 25, 2015.

VOTE           The motion passed unanimously by those present.

**2.     Letter from Michael A. Milone, Town Manager, dated 5/8/14 RE: 8-24 Review – Referral, Lease of Parcel at Waste Water Treatment Plant.**

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

MOVED that the Planning and Zoning Commission finds that the construction of a radio transmission tower by Homeland Towers on the town-owned property at 1325 Cheshire Street, the site of the Town's Wastewater Treatment Plant, is not in conflict with the 2002 Cheshire Plan of Conservation and Development, and hereby makes a favorable referral in accordance with Section 8-24 of the Connecticut General Statutes.

Discussion

Mr. Voelker informed the Commission that the cell tower will be erected at the site of the treatment plant under a lease option, with no improvements by the Town. The Town Attorney has advised that the Commission should do an 8-24 approval. This is a 170 foot tower with space for Town emergency equipment. Mr. Voelker explained that The Connecticut Siting Council makes the ultimate decision on the cell tower, and the Commission has no authority on the tower's location or any other issues related to the tower.

A question was raised by Ms. Visconti about looking at the Plan of Conservation and Development (Plan) regarding this cell tower.

Mr. Voelker advised that there is no mention of cell towers in the Plan, and the subject referral is an 8-24 review. He also noted that the Plan is not a regulatory document and cannot, legally, regulate placement of towers, as this is a decision of the Siting Council.

A letter was read into the record by Mr. Voelker with regard to the cell tower. He stated that the Siting Council will hold a public hearing on the cell tower location to receive public input. Mr. Voelker explained that wireless companies have broad rights under federal regulations.

VOTE           The motion passed unanimously by those present.

**VII.   UNFINISHED BUSINESS**

Mr. Voelker reported that the Town Attorney has provided a legal statement regarding the participation of alternate members on land use commissions/boards. An alternate member may participate in the public hearing; once the public hearing is closed and specific debate and decision takes place, only seated alternates may participate. A "seated alternate" is one of nine members present during a particular application; and 10 people cannot participate in discussion. If an alternate was present at one public hearing and not another for the same application, they can become familiar with the record and be a seated alternate.

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| <b>1. Zone Text Change Amendment</b><br><b><u>Town of Cheshire</u></b><br><b>To amend Section 23, Definitions</b><br><b>Add: Recreation Active and Recreation,</b><br><b>Passive</b><br><b>To amend Section 30 Schedule A, Permitted</b><br><b>Uses, Item 29A</b><br><b>To amend and add to Section 32, Schedule B,</b><br><b>Item 7.</b><br><b>No change; no action taken</b> | <b>PH 2/24/14</b><br><b>PH 3/10/14</b><br><b>PH 3/24/14</b><br><b>PH 4/14/14</b> |
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**(Commissioner Kurtz recused himself from applications #2 and #3).  
(Mr. Fischer was the seated alternate)**

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| <b>2 Waiver request of Section 11.1 of the</b><br><b>Subdivision Regulations</b><br><b><u>Karen A. Reims</u></b><br><b>27 East Ridge Court</b><br><b>Requesting waiver of Section 5.6 CUL-DE-SAC</b><br><b>STREET OR DEAD END STREET, LIMITATIONS</b><br><b>&amp; Subsection 5.6.1.</b> | <b>PH 4/14/14</b><br><b>MAD 6/18/14</b> |
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MOTION by Mr. Kardaras; seconded by Ms. Marinaro

MOVED that the Cheshire Planning and Zoning Commission finds that the applicant has satisfied the requirements of Section 11.1 of the Cheshire Subdivision Regulations, and hereby grants the waiver to enable the existence of an additional dwelling unit at 27 East Ridge Court, as regulated by Section 5.6.1 of the Cheshire Subdivision Regulations.

Discussion

Mr. Kardaras stated that he has no particular issues for not approving this application. It is one more house on a cul-de-sac, and he will vote in favor of the motion.

Mr. Linder said he would be voting against the motion on this application. He is taking this action because the applicant has not demonstrated undue hardship; they are adding an additional dwelling unit to the street which will affect future PZC votes on

other streets; and questions 18 or 19 units requested on this particular street and whether it would be turned down.

Mr. Todisco said he would vote against the motion for this application because he does not think the requirements of the exception were met.

Ms. Visconti stated she would vote in favor of the application as it makes sense, and the applicant went through an arduous and long process.

Mr. Gaudio said he would vote in favor of the application as the Commission approved something similar in the past. He noted the Fire Department is not happy with the subject application but he believes it meets the requirements and should be approved.

Stating he went back and forth on this application with something done that should not have been done, Mr. Lentini will vote in favor of the motion.

Ms. Marinaro stated her support of the waiver, noting that there has been no opposition from the neighbors, and there have been no complaints or concerns raised.

Mr. Fischer is in favor of the motion for a waiver, and said mistakes were made when the addition was built. Now, the owners are trying to correct a situation and request permission to do so.

VOTE            The motion passed 7-2; Linder and Todisco opposed.

**3      Special Permit Application  
         Karen A. Reims  
         27 East Ridge Court  
         Accessory Secondary Dwelling,  
         Section 30, Sch. A. Para 1B**

**PH 4/14/14  
MAD 6/18/14**

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

MOVED that the Cheshire Planning and Zoning Commission finds that the second structure located at 27 East Ridge Court is consistent with the requirements of Section 30, Schedule A, Item 1B of the Cheshire Zoning Regulations, and hereby approves this application. This approval is conditioned upon the applicant making satisfactory improvements to the fire alarm system as recommended by the Cheshire Fire Department prior to the issuance of a certificate of occupancy.

Discussion

Mr. Todisco questioned this application meeting the requirements of Section 30, Schedule A.

The Commission was told by Mr. Voelker that this has been satisfied and the applicant meets those requirements.

Mr. Todisco said he would vote in favor of this application.

VOTE The motion passed 8-1; Linder opposed.

4. **Resubdivision Application** **PH 5/12/14**  
**MAD 7/16/14**  
**Kathie A. Welch**  
**Reservoir Road**  
**3 (2 new) lots**  
**TABLED TO THE PUBLIC HEARING OF JUNE 9. 2014**
5. **Special Permit Modification Application** **MAD 6/17/14**  
**Apex Developers LLC**  
**South Meriden Road**  
**Modification to remove driveway location**

Ryan McEvoy, P.E. Milone and MacBroom, gave a short presentation on the application which is part of an approved subdivision on South Meriden Road. The request is for a modification of the approval to swap driveways. The application shows 3 lots served by one common rear lot access way, and the applicant wants to revise the plans so lot #3 comes out South Meriden Road and lot #6 has rear lot access.

MOTION by Ms. Lentini; seconded by Ms. Visconti

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed modification to the approved plans to enable Lot 3 to access South Meriden Road and Lot 6 to use the rear lot access as shown on plans entitled "Bishop's Corner, Academy and South Meriden Road, Cheshire CT", revised through March 28, 2014 are consistent with the requirements of Section 5.5 of the Cheshire Subdivision Regulations (REAR LOTS) and Section 40 (SPECIAL PERMITS) of the Cheshire Zoning Regulations, and hereby approves this application.

VOTE The motion passed unanimously by those present.

6. **Subdivision Modification Application** **MAD 6/17/14**  
**Apex Developers LLC**  
**South Meriden Road**  
**Modification to six (6) approved lots**

MOTION by Ms. Visconti; seconded by Mr. Kardaras.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed modification to the approved plans to enable Lot 3 to access South Meriden Road and Lot 6 to use the rear lot access as shown on plans entitled "Bishop's Corner, Academy and South Meriden Road, Cheshire CT", revised through March 28, 2014 are consistent with the requirements of Section 5.5 of the Cheshire Subdivision Regulations (REAR

LOTS) and Section 40 (SPECIAL PERMITS) of the Cheshire Zoning Regulations, and hereby approves this application.

VOTE The motion passed 8-1; Lentini abstained.

7. **Special Permit Application**  
**Richard A. Field**  
**758 Peck Lane**  
**In-Law Apartment**  
**Sec. 30, Sch. A. Para. 5**

**PH 5/12/14**  
**MAD 7/16/14**

MOTION by Mr. Kardaras; seconded by Mr. Lentini

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed in-law apartment to be located at 758 Peck Lane is consistent with Section 30, Schedule A, Item 5 and Section 40 (SPECIAL PERMITS) of the Cheshire Zoning Regulations and hereby approves this application.

VOTE The motion passed unanimously by those present.

8. **Zone Map Change Petition**  
**BeMore Investments Inc.**  
**314 West Main Street**  
**From R-20 to R-20A**  
**CONTINUED TO MAY 27, 2014**

**PH 5/12/14**  
**MAD 7/16/14**

9. **TABLED APPLICATIONS**

- a. **Special Permit Modification**  
**Robert C. Schechinger Jr. ASLA**  
**267 Finch Avenue**  
**Realignment of driveway on approved**  
**Special Permit**  
**TABLED FOR PUBLIC HEARING TO 5/27/14**

**PH 5/27/14**  
**MAD 7/31/14**

**VIII. NEW BUSINESS**

1. **Special Permit Application**  
**Ricci Construction Group**  
**50 Prinz Court**  
**Sec. 30, Sch. A. Para. 5**  
**In-Law apartment**  
**SET FOR PUBLIC HEARING ON 6/9/14**

**2. Subdivision Application**

**John Hilzinger**

**Cheshire Street**

**2-lots**

**SET FOR PUBLIC HEARING ON 6/9/14**

**3. OTHER PLANNING AND ZONING COMMISSION BUSINESS**

**a. Discussion: Plan of Conservation and Development**

**Speaker: Ron Walters, Regional Water Authority**

**Senior Environmental Analyst**

Ron Walters presented an information session to the Commission on the Regional Water Authority (RWA) as it relates to the Plan of Conservation and Development. Following are highlights of Mr. Walters' presentation.

Over the last 20 years the RWA has seen a reduction in demand of 1% a year, and this is expected to continue. The average was 55 million gallons a day reduced to 48 million gallons. RWA has 10 treatment facilities; 1720 miles of mains; 36 storage tanks; 265 employees; 27,000 acres of land; 120 square miles of water shed area.

Mr. Walters displayed a colored map of the distribution area, Milford to North Branford and New Haven to Cheshire. He reported that Wallingford and Meriden have their own water utility; RWA pipes are not connected between these mains; and RWA is working with the towns for connection to their mains. In Cheshire there are 2 well fields, 2 storage tanks, and 2 pump stations. Cheshire's water is produced within town boundaries. RWA began operations in 1865 as the New Haven Water Company. There are threats to water, and RWA has an active source protection program.

RWA Planning – the water supply plan is part of the 50 year plan process that is updated every 5 years. RWA has a business monitor plan, disaster recovery plan, strategic plan which is updated every 5 years and a 5 and 10 year capital plan at \$25 million a year. Average daily use is 2.3 million gallons; this increases to 5.5 million gallons during summer months; and RWA expects this average use to decrease to 3.1 million gallons in 2060. There is a capital budget item to increase main sizes to serve Cheshire.

Cheshire Water is ground water, and after treatment is very clean with little bacterial issues. Quality of the water is the same and constant throughout the year, and the water is chlorinated. Samples are collected Monday through Friday; RWA monitors its water 24/7; samples are sent to a state certified lab for study; DOC receives a water collection on a quarterly basis. In Cheshire there are some industrial sites which pose a threat to the water supply.

In response to a question from Rich Field regarding valves in place should a 36 inch water main break or leak, Mr. Walters reported that RWA has a supply of valves and

equipment in place to fix water main leaks for temporary pumps operating under emergency conditions.

RWA owns 32% of the watersheds and aquifer protection areas. Some of RWA's source protection includes land acquisition, water shed inspections, site plan reviews, 24 hour spill response with people on call for clean-up, hazwaste central for disposal of hazardous waste materials, and regulatory assistance.

Aquifer Protection – State Aquifer regulations require registration of aquifer sites, and about one-half of the businesses are registered (220). 72 towns out of 80 have adopted aquifer regulations. Cheshire's has done an outstanding job with its aquifer protection, and its regulations were better than the State regulations.

RWA pays PILOT payments to towns for their properties, and there is a fee in the town budgets for fire services from RWA.

Prices for water are regulated by the RWA Policy Board which has representatives from each town.

With regard to the Plan of Conservation and Development, Cheshire should continue with what it is doing. The town's regulations are stringent, and Cheshire has a good staff and good land use boards.

Chairman Kurtz thanked Mr. Walters for his informative presentation.

## **VI. ADJOURNMENT**

MOTION by Mr. Strollo; seconded by Mr. Kardaras.

MOVED to adjourn the special meeting at 10:00 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk