

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, OCTOBER 27, 2014 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Earl J. Kurtz, Chairman; Sean Stollo, Vice Chairman; S. Woody Dawson, Edward Gaudio, Gil Linder, Vincent Lentini, John Kardaras, Louis Todisco. Alternate – Diane Visconti.

Absent: Lelah Campo; Alternates Leslie Marinaro and Jon Fischer.

Staff: William Voelker, Town Planner

**I. CALL TO ORDER**

Chairman Kurtz called the public hearing to order at 7:33 p.m.

Mr. Kurtz read the fire safety announcement.

**II. ROLL CALL**

The clerk 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**

Town Planner Voelker read the call of public hearing for each application.

**(Mr. Stollo was recused from applications #1 and #2)**

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|---------------------------------------|---------------------|
| <b>1. Request for Sidewalk Waiver</b> | <b>PH 9/8/14</b>    |
| <b><u>A.M. Napolitano</u></b>         | <b>PH 9/23/14</b>   |
| <b>Cook Hill Road</b>                 | <b>PH 10/15/14</b>  |
|                                       | <b>PH 10/27/14</b>  |
|                                       | <b>MAD 12/19/14</b> |
| <b>2. Subdivision Application</b>     | <b>PH 7/28/14</b>   |
| <b><u>A.M. Napolitano</u></b>         | <b>PH 9/8/14</b>    |
| <b>Cook Hill Road</b>                 | <b>PH 9/23/14</b>   |
| <b>8-lots</b>                         | <b>PH 10/15/14</b>  |
|                                       | <b>PH 10/27/14</b>  |
|                                       | <b>MAD 12/19/14</b> |

Attorney Jay Hershman represented the applicant, and advised he had no further information to present to the Commission.

Town Planner Voelker re-read the letter from the Cheshire Fire Department into the record. The letter indicates CPD has no objections to the subject application.

Mr. Todisco stated he did not attend the October 15<sup>th</sup> public hearing and meeting, but had familiarized himself with the record in order to take action on the applications.

With regard to the sidewalk waiver, Mr. Todisco noted that under Section 11.1.1 of the regulations, and read an excerpt into the record. He asked the applicant to state that conditions exist which affect the subject property which are not generally applicable to other land in the area.

Attorney Hershman referred to the map and pointed out lot 8 which is the only parcel on the side of the street where the waiver is requested. Lot 8 has large wetlands area, is unique, cannot be developed, and it would be equivalent to having 1100 feet of sidewalk. This parcel cannot be further subdivided.

Mr. Voelker noted the parcel has large wetlands, a detention system at the end, all storm water management system on the street is on this property, and it is a unique lot which cannot be further developed.

Mr. Voelker read a letter into the record from Sheila Fiordelisi, dated October 27, 2014, relative to the trash and debris on the subject property.

In response to the letter, Attorney Hershman stated the issue of clean up of the property was discussed with the applicant and representative of the current property owner, and the clean up will be addressed.

#### PUBLIC COMMENTS AND QUESTIONS

Giovana Milone, 1400 Half Moon Road, addressed the Commission regarding the trash and debris on the subject property. Her family owns abutting property of 8 acres with 3 homes, and said there is 200 feet of trash and debris on the hill and falls onto her property. Ms. Milone said this is a hazardous condition; there are oil tanks with fumes; this affects the neighboring families, wild life, pets/animals; and these houses have well water, with possible oil and trash going into the wells, and it is unsafe. Ms. Milone wants the applicant to clean up the area.

Sheile Fiordelisi, 1400 Half Moon Road, owns the abutting 8 acres to the subject property, and stated the area is unsafe with trash, debris, oil tanks, tires, gas cans that come down the hill onto her property. With these conditions wild life cannot prosper; the trash area is right behind the new subdivision; debris is now in her yard; and it is a danger to kids and back yards. Ms. Fiordelisi stated a complaint was never filed on the issue and concerns about the trash and debris.

Chairman Kurtz informed those present that a formal complaint regarding the trash and debris situation should have been, and can be filed, with the Planning Department.

Mr. Dawson asked how long Ms. Fiordelisi owned this property, how much trash and debris was on her property, and if there have been attempts for clean up.

Ms. Fiordelisi has owned her home and acreage since 2000, and said there have been clean ups with her and her daughter. The trash is piled up and falls down the hill onto her land.

The neighbors and Commission were informed by Attorney Hershman that everything on the property will be removed legally and material will be hauled off site, and nothing will be buried. He spoke with the attorney for the property owner, and more information was received today.

With oil in tanks and possible leaking, Ms. Visconti asked if testing of the soil will be done and if there are wells in the subdivision.

Attorney Hershman stated oil tanks will be removed per DEEP regulations, and the subdivision will have public water.

Chris Leech, 540 Cook Hill Road, reviewed the history of the subject land which she took from her parents and built a house. Surveys were done by Milone and MacBroom; there are markings on site to define property lines; and the builder will clean up the property. She selected a specific builder for the development because she wants to maintain the integrity of the property. Ms. Leech reported the property was owned by Mr. Moon who farmed the site and dropped the trash on the property over many years, and this was acceptable to farmers. She also has concerns about the environment and wild life. She noted the builder has made a commitment to clean up the site.

Ms. Fiordelisi stated she wants city water because of this trash situation and has concerns about safety.

THERE WERE NO FURTHER COMMENTS OR QUESTIONS; THE PUBLIC HEARING WAS CLOSED.

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <b>3. Waiver Request of Section 5.5.B.5<br/>of the Subdivision Regulations<br/><u>Estate of Anneliese L. Platt</u><br/>628 Wallingford Road<br/>CONTINUED TO NOVEMBER 10, 2014</b> | <b>PH 9/23/14<br/>PH 10-15-14<br/>PH 10/27/14<br/>MAD 12/31/14</b>                  |
| <b>4. Subdivision Application<br/><u>Estate of Anneliese L. Platt</u><br/>628 Wallingford Road<br/>3-lots<br/>CONTINUED TO NOVEMBER 10, 2014</b>                                   | <b>PH 9/23/14<br/>PH 10/15/14<br/>MAD 12/19/14<br/>PH 10/27/14<br/>MAD 12/31/14</b> |

5. **Special Permit Application**  
**Estate of Anneliese L. Platt**  
**628 Wallingford Road**  
**Rear Lot Access**  
**CONTINUED TO NOVEMBER 10, 2014** **PH 10/15/14**  
**PH 10/27/14**  
**MAD 12/31/14**
6. **Special Permit Application**  
**Ana Dolores Rey**  
**470 West Main Street**  
**Head Lice Treatment Center** **PH 10/27/14**  
**MAD 12/31/14**

Town Planner Voelker read the staff comments into the record.

Ms. Rey, 131 Willow Street, Cheshire CT, explained she wants to open a head lice treatment center at 470 West Main Street, and her business is similar to a hair salon. The business will operate 7 days a week, by appointment only, with a maximum of 5 clients at one time (usually a family to be treated). There is ample parking; there is no change in the building or property; and it was once a barber shop.

A question was posed by Mr. Linder about a regular hair salon treating head lice and if a special license was required.

Ms. Rey advised that, generally, hair salons do not treat head lice, and someone must be trained and licensed to treat clients. She said salons usually send people home without treatment because they do not want contamination in their salon.

The Commission was told by Mr. Voelker that for this application the closest section in the regulations was under hair salons. He noted that hair salons must be certified and this is the same for a head lice center.

Ms. Rey informed the Commission that until 2 years ago she owned a business in Hamden, CT, and has had customers from Vermont, Maine, New Hampshire, Massachusetts and New York. She said people will travel hundreds of miles for successful treatment.

THE PUBLIC HEARING WAS CLOSED.

## **VI. ADJOURNMENT**

MOTION by Mr. Kardaras; seconded by Mr. Stollo.

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