

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, MARCH 23, 2015, IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

Earl J. Kurtz, Chairman; Sean Stollo, Vice Chairman; Members John Kardaras, Vincent Lentini, Louis Todisco, David Veleber. Alternates Leslie Marinaro and Diane Visconti. Absent: S. Woody Dawson, Edward Gaudio, Gil Linder; Alternate Jon Fischer. Staff: William Voelker, Town Planner.

I. CALL TO ORDER

Chairman Kurtz called the regular meeting to order at 10:26 p.m.

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. ACCEPTANCE OF MINUTES - PUBLIC HEARING February 23, 2015 and REGULAR MEETING February 23, 2015.

MOTION by Mr. Lentini; seconded by Mr. Kardaras

MOVED to approve and accept the minutes of the Public Hearing of February 23, 2015 and Regular Meeting of February 23, 2015, subject to corrections, additions, deletions.

VOTE The motion passed 7-0-1; Marinaro abstained.

VI. COMMUNICATIONS

1. Letter from Matthew D. Ducsay, P.E. Milone & MacBroom, dated 3/4/15
RE: DeVlyder Property Subdivision, requesting a 90 day extension to file the subdivision Mylar on the land records.

MOTION by Mr. Lentini; seconded by Ms. Marinaro

MOVED that the Planning and Zoning Commission approves the request of Matthew D. Ducsay, P.E. Milone and MacBroom, requesting a 90 day extension to file final subdivision documents for the DeVlyder Property Subdivision.

VOTE The motion passed unanimously by those present.

VII. UNFINISHED BUSINESS

- 1. Special Permit Application**
220 Realty Drive
220 Realty Drive
To develop a cemetery

PH 1/12/15
PH 1/26/15
PH 2/23/15
PH 3/23/15
MAD 5/27/15

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

MOVED that in accordance with Section 25 of the Cheshire Zoning Regulations and after due consideration of the entire record, including the records of the Special Permit application to establish a cemetery at 220 Realty Drive and the Application for Determining Your Regulatory Status in Aquifer Protection Areas, the Cheshire Planning and Zoning Commission finds that this application, subject to the waiver described below, meets all of the requirements and standards laid out in Section 25 of the Zoning Regulations. Therefore, the Planning and Zoning Commission approves the application for Earth Removal, Filling, or Regrading for 220 Realty LLC, for property located at 220 Realty Drive.

Further, as requested by the applicant at the time of the filing of the application the Commission grants the applicant's request for waivers of the requirements of subsections (3) and (9) of Section 25.5 of the Zoning Regulations, all as shown on plans entitled "Proposed Cemetery 220 Realty Drive, Cheshire, Connecticut" dated November 26, 2014, revised January 20, 2015 by Milone and MacBroom. These actions include the following conditions:

The applicant shall comply with the requirements and recommendations of the Town Engineer in a memo dated January 26, 2015; the South Central Regional Water Authority letter dated January 21, 2015; and the Connecticut Department of Energy and Environmental Protection, Bureau of Natural Resources, Wildlife Division, Natural History Survey-Natural Diversity Data Base letter dated February 23, 2015.

Discussion

Attorney Fazzone pointed out that the waiver approval(s) should be approved before the Earth Removal, Filling/Regrading application approval.

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

MOVED to withdraw the motion on the floor.

VOTE The motion passed unanimously by those present.

- 2. Waiver Request: 220 Realty LLC**
220 Realty LLC

PH 2/23/15
PH 3/23/15

**220 Realty Drive
Requesting waiver of subsections (3) and (9)
of Section 25.5 Earth Removal, Fill
or Regrading Permit**

MAD 5/27/15

MOTION by Mr. Todisco; seconded by Mr. Lentini.

MOVED that the Planning and Zoning Commission grants the applicant's request for waivers of the requirements of subsections (3) and (9) of Section 25.5 of the Zoning Regulations, all as shown on plans entitled "Proposed Cemetery 220 Realty Drive, Cheshire, Connecticut" dated November 26, 2014, revised January 20, 2015 by Milone and MacBroom. These actions include the following conditions:

The applicant shall comply with the requirements and recommendations of the Town Engineer in a memo dated January 26, 2015; the South Central Regional Water Authority letter dated January 21, 2015; and the Connecticut Department of Energy and Environmental Protection, Bureau of Natural Resources, Wildlife Division, Natural History Survey-Natural Diversity Data Base letter dated February 23, 2015.

VOTE The motion passed 7-1; Kardaras opposed.

- 1. Special Permit Application**
220 Realty Drive
220 Realty Drive
To develop a cemetery

PH 1/12/15
PH 1/26/15
PH 2/23/15
PH 3/23/15
MAD 5/27/15

MOTION by Ms. Marinaro; seconded by Ms. Visconti.

MOVED that in accordance with Section 40 of the Town of Cheshire Zoning Regulations, after due consideration of the entire record, including the letter from the South Central Regional Water Authority dated January 21, 2015 and the determination on February 23, 2015 by the Town of Cheshire Aquifer Protection Agency that a cemetery is not a "regulated activity" as defined in the Town of Cheshire Aquifer Protection Area Regulations, the General Statutes of the State of Connecticut, as amended, or the Regulations of Connecticut State agencies and accordingly is not prohibited in an aquifer protection area, the Commission finds that the applicant's proposed cemetery use complies with the requirements of Section 40 of the Town of Cheshire Zoning Regulations.

Therefore, the Planning and Zoning Commission approves the Special Permit Application of 220 Realty LLC to establish a cemetery at 220 Realty Drive as shown on plans entitled "Proposed Cemetery, 220 Realty Drive, Cheshire, Connecticut" dated November 26, 2014, Revised January 20, 2015 by Milone and MacBroom. This action includes the following conditions:

The applicant shall comply with the requirements and recommendations of the Town Engineer in a memo dated January 26, 2015; the South Central Regional Water Authority letter dated January 21, 2015; and the Connecticut Department of Energy and Environmental Protection, Bureau of Natural Resources, Wildlife Division, Natural History Survey-Natural Diversity Data Base letter dated February 23, 2015.

Discussion

Mr. Voelker commented on there being nothing in the POCD about a cemetery, and this being something the PZC can look at. Under current regulations it is permitted by special permit.

Mr. Todisco stated that he may not have been present for the January 12, 2015 meeting, but is familiar with the record of this application and capable of voting on the application.

VOTE The motion passed 7-1; Kardaras opposed.

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| 3. Earth Removal, Filling/Regrading Permit
 <u>220 Realty Drive</u>
 220 Realty Drive/Highland Avenue | PH 2/23/15
PH 3/23/15
MAD 5/27/15 |
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MOTION by Ms. Visconti; seconded by Ms. Marinaro.

MOVED that in accordance with Section 25 of the Cheshire Zoning Regulations and after due consideration of the entire record, including the records of the Special Permit application to establish a cemetery at 220 Realty Drive and the Application for Determining Your Regulatory Status in Aquifer Protection Areas, the Cheshire Planning and Zoning Commission finds that this application, subject to the waiver described below, meets all of the requirements and standards laid out in Section 25 of the Zoning Regulations. Therefore, the Planning and Zoning Commission approves the application for Earth Removal, Filling, or Regrading for 220 Realty LLC, for property located at 220 Realty Drive.

The applicant shall comply with the requirements and recommendations of the Town Engineer in a memo dated January 26, 2015; the South Central Regional Water Authority letter dated January 21, 2015; and the Connecticut Department of Energy and Environmental Protection, Bureau of Natural Resources, Wildlife Division, Natural History Survey-Natural Diversity Data Base letter dated February 23, 2015.

VOTE The motion passed unanimously by those present.

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| 4. Special Permit Application
 <u>Fifteen North Plains Industrial Road LLC</u>
 1430 Highland Avenue
 Children's Day Care Center | PH 3/9/15
PH 2/23/15
PH 3/23/15
MAD 5/27/15 |
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MOTION by Mr. Kardaras; seconded by Mr. Todisco.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed child's day care center located at 1430 Highland Avenue as shown on plans entitled "Daycare Facility, 1430 Highland Avenue, Cheshire CT, Prepared for Fifteen North Plains Industrial Road LLC" dated 08/05/14 and revised through 03/17/15 are consistent with Section 30, Schedule A, Item 17A, and Section 40 of the Cheshire Zoning Regulations, and hereby approves this application subject to the applicant adhering to the comments from the South Central Regional Water Authority dated February 13, 2015, and comments from the Chesprocott Health District dated February 17, 2015.

VOTE The motion passed unanimously by those present.

5. **Special Permit Application**
 138 Highland Avenue LLC
 Construction of two buildings, 11 residential
 dwelling units with parking and utilities as per
 Section 43.8

PH 2/23/15
PH 3/23/15
MAD 5/27/15

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

MOVED that the Cheshire Planning and Zoning Commission finds that the proposal to construct two multi-family dwellings at 138 Highland Avenue as shown on plans entitled "Proposed Residential Infill Development, 138 Highland Avenue, Cheshire CT" dated January 2, 2015 and revised through March 18, 2015 are consistent with Section 40 and Section 43.8 of the Cheshire Zoning Regulations and hereby approves this application.

Discussion

Ms. Marinaro stated she was uncomfortable with this application for a few reasons. The parking does meet the requirements of the regulations. She cited one reason being 2 or 3 bedroom units which may have 3 cars and need more parking spaces. Her second reason is the statement that people could park across Route 10 in the shopping plaza via cross walks, which is unsafe. The application stated 4 more parking spaces could be added, if needed, in the future. Ms. Marinaro is opposes this application.

Mr. Kardaras commented on 28 parking spaces as being more than generous for the apartments. He noted that the Town wants more diverse housing, with people having access to shopping and other amenities within walking distance. He said more parking spaces poses an uglier environment for the neighbors, and he hopes the extra 4 spaces are not developed. Mr. Kardaras does not believe there is evidence of the need for more than the 28 spaces.

Regarding the 4 additional parking spaces proposed by the applicant, Mr. Voelker said 2 of the spaces are smaller and would be a mistake to develop.

It was stated by Mr. Todisco that the parking issue is one which the Commission will run into with infill applications. He is in favor of the application.

Chairman Kurtz stated he will vote in favor of the application. For the size of the development there are 28 spaces, and this meets the regulation requirements.

VOTE The motion passed 6-2; Veleber and Marinaro opposed.

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| <p>6. Planned Residential Resubdivision Development Application
<u>Apex Developers LLC</u>
Jarvis Street
15 Lots
PUBLIC HEARING CONTINUED TO APRIL 13, 2014</p> | <p>PH 2/23/15
PH 3/23/15
MAD 5/27/15</p> |
| <p>7. Special Permit Application
<u>Apex Developers LLC</u>
920 Jarvis Street
A 15 lot PRRD with 3 affordable units
Sections 44 and 40
PUBLIC HEARING CONTINUED TO APRIL 13, 2014</p> | <p>PH 2/23/15
PH 3/23/15
MAD 5/27/15</p> |
| <p>8. Waiver Request: 920 Jarvis Street
<u>Apex Developers LLC</u>
920 Jarvis Street
Requesting waiver of subsections (3) and (9)
of Section 25.5 Earth Removal, Fill or
Regrading Permit
PUBLIC HEARING CONTINUED TO APRIL 13, 2014</p> | <p>PH 2/23/15
MAD 4/29/15</p> |
| <p>9. Earth Removal, Filling/Regrading Permit
<u>Apex Developers LLC</u>
Jarvis Street
PUBLIC HEARING CONTINUED TO APRIL 13, 2014</p> | <p>PH 2/23/15
PH 3/23/15
MAD 5/27/15</p> |
| <p>10. Waiver Request of PABCO, Inc. Lot 6 Saddlebrook Pursuant to Section XI of the Town of Cheshire Subdivision Regulations to waiver the sixty (60) feet Setback requirement set forth in Section 5.5B-16.</p> | |

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

MOVED that the Cheshire Planning and Zoning Commission finds that the applicant has satisfied the requirements for a waiver set forth within Section 11.1 of the Cheshire Subdivision Regulations, as shown on plans entitled "Setback Waiver Request, Lot 6,

Saddlebrook Farms Subdivision, Huckins Road, Cheshire, CT" and hereby approves this application with the following condition:

The waiver is granted upon the condition that the owner maintains the wall as shown on the plans; this wall cannot be removed until approved to do so by the Commission.

Discussion

Mr. Todisco commented on there being no harm to lot #1 given the distance of the house, as proposed, and where the house is located on lot #1. Attorney Fazzino informed the Commission that the owner of lot #6 told lot #1 owner about the stone wall, and given the absence of any clear harm to lot #1, the application meets the jurisdictional requirements of Section 11.1.

Mr. Veleber is okay with the wall there or not, and said the issue is the location of the house. He would be in favor of the motion without the condition imposed.

VOTE The motion passed 7-0-1; Lentini abstained.

11. TABLED APPLICATIONS

a. Special Permit Application

Parks & Recreation Town of Cheshire

Bob Ceccolini - Director

1000 Highland Avenue - Cheshire Park

Earth Removal and Grading for creation of a playground.

TABLED TO 4/13/15 FOR PUBLIC HEARING

b. Earth Removal, Filling or Regrading Permit

Parks & Recreation Town of Cheshire

Bob Ceccolini - Director

1000 Highland Avenue

TABLED TO 4/13/15 FOR PUBLIC HEARING

c. Waiver Request: 1000 Highland Avenue

Parks & Recreation Town of Cheshire

Requesting a waiver of subsection (9) under Section 25.5

TABLED TO 4/13/15 FOR PUBLIC HEARING

d. Special Permit Application

Clearview Farm Preserve LLC

947 Cornwall Avenue

Rear Lot Accessway

TABLED TO 4/13/15 FOR PUBLIC HEARING

e. Subdivision Application

Clearview Farm Preserve LLC

**Cornwall Avenue
21 Lots
TABLED TO 4/13/15 FOR PUBLIC HEARING**

- f. **Waiver Request of Clearview Farm Preserve
Mountain Road-Pursuant to Section 11.1 Variances or
Waivers of Regulations
Requesting a waiver of the 250 feet separation set
forth in Section 6.5 of the Subdivision Regulations.
TABLED TO 4/13/15 FOR PUBLIC HEARING**

VIII. NEW BUSINESS

1. Other Planning and Zoning Commission Business

a. Discussion: POCD Schedule.

Mr. Voelker stated that all drafts of sections of the Plan are completed; the municipal facilities draft will be done this week; the last two sections will be presented to the Commission at the next POCD meeting. At the April 27th meeting the Commission can approve the POCD and move it to the Town Council for review, followed by the PZC public hearing process.

b. Monthly Report from Zoning Enforcement Officer

The report was submitted and accepted by the Commission.

IX. ADJOURNMENT

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

MOVED to adjourn the special meeting at 11:00 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk