

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON WEDNESDAY, SEPTEMBER 16, 2015, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

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

I. CALL TO ORDER

Vice Chairman Stollo called the public hearing to order at 7:30 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. BUSINESS

Town Planner Voelker read the call of public hearing for all the applications.

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| 1. Special Permit Application | PH 9/16/15 |
| <u>Sirois Realty LLC</u> | MAD 11/20/15 |
| 540 West Johnson Avenue | |
| Recreational activities to include | |
| Trampoline and rock wall climbing. | |

Attorney Anthony Fazzone and Robert Greene, Engineer, represented the applicant.

Attorney Fazzone stated that in September 2014 a change was made to the zoning regulations to permit commercial recreational activities in the I-2 Zone by special permit. The subject property is on West Johnson Avenue next to House of Doors site. It is proposed to change most of the warehouse section to a trampoline park. There are no wetlands on the site and the applicant received IWW approval in December 2014.

Mr. Greene reviewed the site plan for the Commission. With the commercial use there will be a requirement of 140 parking spaces; the applicant is looking to defer 56 spaces (40%, noted on sheet 7); and wants to construct 86 parking spaces.

It was pointed out by Mr. Fazzone that in his letter of September 10th, there is an analysis of the parking situation, showing 3 parking spaces per every 1,000 sq.ft. which is the industry standard and adequate.

The Commission was informed by Mr. Voelker that the site is designed for 142 parking spaces, can fit this number of spaces, and 142 spaces is necessary for what is proposed. To further expand the operation into the entire square footage of the building the applicant would have to secure off-site parking within 300 feet of the site, or construct a parking garage, or seek an amendment to the zoning regulations. He suggested the Commission pay close attention to the applicant's occupancy for evidence on which to base the parking.

Mr. Todisco stated the letter from Attorney Fazzone, with attachments, does not state the 142 spaces as industry standard, as it states 3 spaces per 1000 sq.ft. as standard. He requested more details on the parking situation.

According to Attorney Fazzone, the applicant, Mr. Sirois has visited many communities with these facilities, has information on the busiest day for the activities. It is expected there will be about 150 people, plus 15 staff, mostly kids not driving cars, birthday parties, and the number of parking spaces is consistent with other facilities. With deferring 40% of the parking, and there is a problem, he pointed out it would be in the best interest of the owners to improve and expand the parking lot.

It was stated by Mr. Todisco that he hears the applicant has done informal research about the parking needed from similar sized operations. He said the applicant understands that should more parking be needed, the PZC will require more spaces to be placed on the site.

Mr. Green pointed out the red area on the places which is paved emergency access, the drop off for kids at the entrance to the recreational building, and sidewalks up to the entrance.

Ms. Visconti noted more activity for the facility on weekends, with the House of Doors having more week day activity.

Stating that is correct, Mr. Green advised on drainage for the parking lot, which will be sheet flow into an infiltration swale, with some catch basins, and detention system at the south area of the parking lot.

Mr. Voelker read comments from the Fire Department, 9/10/15, and Town Engineer, 8/18/15, into the record.

Mr. Green stated the comments have all been addressed; sheets 5 and 6 show the erosion controls; and the landscaping plans have a berm added to the plans. On sheet 7, there are details on the location of the parking plan, with future expansion, if needed.

THE PUBLIC HEARING WAS CLOSED.

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| 2. Sidewalk Waiver Request
<u>Apex Developers LLC</u>
Coleman Road | PH 9/16/15
MAD 11/20/15 |
| 3. Subdivision Application
<u>Apex Developers LLC</u>
Coleman Road
7 lots (6 new; 1 existing) | PH 9/16/15
MAD 11/20/15 |

In response to a question from Mr. Strollo about notification to abutting property owners for the Apex application, Mr. Voelker advised that under the regulations a notification was not required.

Attorney Anthony Fazzino and Ryan McEvoy, P.E. Milone and MacBroom represented the applicant.

This is a 7 lot subdivision, 2 acres per lot, in an R-80 zone. Mr. Fazzino advised the application received IWW approval, and there is a waiver request for sidewalks on the south side of the site. There are drainage facilities, basins on the subdivision, zero increase in runoff, with the Town bearing no responsibility for these facilities. When plans are finalized there will be a "Form of Declaration" (approved by the Town Attorney) for a homeowners association to carry out efforts and maintenance of the drainage basins. There will be liens on the property owners if the basins are not properly maintained. Standards for maintenance are set forth in the Form of Covenant. Attorney Fazzino submitted the forms for the record.

Mr. McEvoy noted the location of the site at 678 Coleman Road (yellow on the map). This property is just under 20 acres; is in an R-80 zone; is irregular in shape; there are 7 to 8 acres immediately along the frontage of Coleman Road and 13 acres to the east. Residential parcels border the property, which is located across from Leavenworth Tree Farm. The site is being used for agricultural purposes. There is an existing house and barn in the northern part of the parcel and open fields on the eastern portion is wooded along the wetland stream corridor. The front has a wetland corridor along Coleman Road. The low elevation is 270 feet; to the east it is 230 feet; and high point of grading is in the middle of the site. Public water is available off Coleman Road, there are no sewers.

Lot #1 will be the existing house and structures, just under 6 acres; all proposed lots will be located off the new Town road, culminating in the cul de sac; all lots will have access off the street; all lots conform to R-80 zone criteria; public water will have new water mains; there will be sub-surface sewer systems; and Chesprocott letter states all lots can be served by the septic systems.

Geography of the Road - there is an angled property line at Coleman Road; there is a wider wetland corridor to the north; horizontal curve to the south; lots will be located to the rear of the property; the road is gentle in grade with a 5% slope; sight lines from the roadway are adequate by Police Department standard; to the left out of the driveway it is 400 feet; to the right it is 500 feet; and these exceed sight distances for the road. There are two storm water management basins -- west of the corridor and to the east along the driveway of the rear most lot #5; and basins can handle up to a 100 year storm; they provide for water quality features including sediment for bays.

Staff Comments - the Engineering Department is looking for coordination during construction, and location of a street light at the intersection of the proposed road and Coleman Road. Fire Department wants a review of the location of fire hydrants; is concerned about lot #5 driveway length and grade; this driveway is 530 feet long, with a 10% drop in grade. The applicant included a stretch of 100 feet long as you approach the house for a 15 foot wide driveway for CFD access. This house will have a sprinkler system due to CFD concerns.

Mr. Voelker read comments from the Fire Department, 9/16/15; RWA 7/16/15; Engineering Department 9/8/15 and Chesprocott 9/14/15 into the record.

Sidewalks - Mr. McEvoy explained the applicant is proposing sidewalks along the north side of the road; is requesting a waiver for the south side sidewalks due to the unusual shape of the parcel; and house #7 would be required to maintain the sidewalks on the south side. He reviewed information from a neighboring subdivision which has no sidewalks.

Attorney Fazzone stated IWW determined there is no alternative to the proposed road crossing of the wetland.

Ms. Visconti asked about grading and earth removal, and use of pesticides per RWA.

With construction of the roadway, Mr. McEvoy explained there will be minor re-grading, and no excavation earth work on the site. The only clearing is associated with construction of lot #5, and the remainder of the site is open grass land. Due to the buffer around the wetlands there will be limited ability for a homeowner to apply pesticides. RWA wants them limited, but this property is currently used for agricultural purposes.

Ms. Visconti asked for clarification on the roadway in, and if the slope is problematic.

The grade in this area is steep, and Mr. McEvoy said 10% is the maximum reasonable grade for a driveway. The road further down may require some excavation work.

Regarding the sidewalk waiver, Attorney Fazzone stated the engineer indicated, based on Town standards of intersections of the road with existing Coleman Road and wetlands, the location of the road is determined. There is no alternative to linking it

other than pushing further to the north. On the map he pointed out Coleman Road, lot #7 in light green, and the point of about 500 feet where it is suitable for a home site.

With the waiver, Mr. Strollo clarified that there would be one sidewalk on the south side of the side, so it is not a complete sidewalk waiver for the development.

Mr. Voelker pointed out this is similar to the Napolitano subdivision application. With the proposed sidewalk layout it will be easy for children to get to the sidewalk without much traffic on this road.

The length of the sidewalk is about 750 to 800 feet long; the majority of the sidewalk falls on lot #2, about 400 feet; and the subdivision maintains the sidewalk.

Attorney Fazzone advised there will be an HOA to maintain the detention basins; no parcel of land will be owned by the HOA; and there will be an easement to get to the basins for maintenance. Mr. Fazzone submitted a map from the Town's GIS system on the land to be subdivided. The yellow is the subject parcel; it is narrow; the map shows Philson Court and Tamarack Road parcels; and due to the road configuration there is no alternative for lot #7 for which the waiver is requested.

Mr. McEvoy confirmed that the sidewalk on the north side is in conformance with Town standards.

PUBLIC

Dennis Waz, Water Department Meriden CT, expressed concerns about Broad Brook Reservoir and the water shed, chemicals affecting the water, no way to restrict them, and placement of the subdivision sub-surface sanitary structures. Meriden just completed an upgrade to the reservoir, but it difficult to regulate homeowners using chemicals and pesticides. At the IWW meeting he commented on location of lots 4, 5, 6 sanitary facilities and detention basins, the HOA maintaining the basins, and if they are not maintained the reservoir will suffer. The water quality is the main concern; he has concerns about placement of lots 2 and 6, 4 and 5, and maintenance of the basins. As his staff does inspections there are concerns about some activities on the subject property, and he looks to IWW and PZC to take these concerns into consideration. Meriden Water Dept. wants 75 foot buffer rather than 25 foot buffer for the septic systems and drinking water.

Mr. McEvoy stated that the design of the systems must follow Connecticut Public Health Code and separation distances. With the 75 foot distance there is safe drinking water, and this distance is in place for 2 of the lots. Lot #5 is 100 feet, and the septic system for lot #4 will be running to the east 100 feet. The system design meets health code, and building and design permits will be reviewed by IWW, with advisement to the Meriden Water Company.

Gina and Whitney Watts, 725 Wallingford Road, are adjacent property owners to the east and north section of the proposed subdivision. They are not in opposition to the

proposed development; submitted a map of the subject property and their property; and read a letter from their attorney, Joan Malloy, into the record.

Following the reading of the letter, Mr. Watts pointed out his property and driveway off Wallingford Road on the map. His parcel is 44 acres, and he wants an easement for a roadway to his undeveloped property. He now has a 50 foot right-of-way to his property; his access way is 1300 feet off Wallingford Road, and is looking for a practical and less invasive way for an easement to develop a road in the future so his property is not locked in. He pointed out his house on the property. The proposed road would go from the proposed subdivision through his property and abut into Tamarack Road. The current 1300 foot driveway is shared with another home. There is a 50 foot Town easement but he cannot cut through it.

Eric Ehrenfels, 625 Tamarack Road, commented on the notification requirement to adjacent property owners about this application, and recommended a change be made to require notification. For the subject application there are similar problems to the Napolitano application. He looks out at lot #1, which has trash and debris and dumping on the lot. He pointed out there are steep slopes, wetlands, and accumulation of trash and garbage, all being pushed into the water shed. Mr. Ehrenfels has no problems with the proposed subdivision, but requested that lot #1 be cleaned up.

Mr. Voelker asked Mr. Ehrenfels to take photographs of lot #1 and the conditions in place, and provide them to the Planning Department. The Zoning Enforcement Officer will look into the matter of clean up of the site.

Mr. Ehrenfels cited Section 24.2, discontinuance of one year of nonconforming use being changed. This is an R-80 zone, is grandfathered as a farm; but there is little or no farming activity on the site.

In reply, Mr. Stollo explained that a 5 acre lot would conform to having a farm.

Phil Bowman, 365 Finch Avenue, one of the owners of Apex Development, gave a short history of the abutting property to the east and north, owned by the Watts. He reported that Apex was approached months ago by the Watts for an easement from the subject property to the Watt property, and nothing formal was given to Apex. He is willing to work with the Watts, had requested a map, but there was lots of conjecture. An August 14th e-mail from the attorney had 12 points, was vague, had no time lines, and it requested the applicant to extend the road. For this road extension/access, Apex would lose one of its lots. Mr. Watts had proposed giving Apex two lots behind Tamarack Road, but Mr. Bowman has no idea of how to get water, septic system and utilities to these lots. The Watts offering was vague; he is open to working with them; there are large water crossings which Mr. Watts must undertake; their intention was to wrap around to Tamarack Road, almost a full mile road, with a 2nd wetland crossing. Mr. Bowman said he thinks this would require the Army Corp of Engineers. He reiterated there was no time line to Apex from the Watts; there was something proposed; and it was uncertain what Apex would be getting in consideration from the Watts.

Mr. Voelker stated this is about public policy decision for a request for a public highway into an area which is important for the water shed. What is being requested is a complete redesign of the subject application. It would have to go back to IWW, which did not approve extension of a public highway through water shed property. From staff's point of view this is a public policy decision that is not a good public policy...putting a public highway into an area that has feeder streams, without avoidance of wetland crossings in any way. The geometry here would require a public road to go into an area that is a very sensitive water shed area for public water supply.

Mr. Waz was unaware of the Watts request, and asked for notification to the Meriden Water Co. of anything regarding the Watts property which has a feeder stream into the city's parcel adjacent to the Watt property.

According to Mr. Voelker, the issue is how Meriden feels about the potential of future crossings and fragmentation of the wetland systems on city property.

Mr. Waz would be concerned about the crossings and fragmentation and would not support the Watt request.

It was reiterated by Mr. Voelker that the Commission is being asked to make a public policy decision, affirmative statement, that the road should be extended from this property. This is putting pressure on the environmental system, feeder streams, and he advises this is a bad decision. The applicant would have to come back to IWW as this is putting a public highway with negative effects on the eco-system.

Mr. Dawson commented on the need for more research on this issue with the public hearing being left open.

Lori Watts, 1025 Wallingford Road, has a personal interest in 825 Wallingford Road as the property is owned by her son and his wife. She said there are time constraints from the proposed subdivision regarding their contractual responsibility. She believes it would be a shame to rush this subdivision application through without looking at the points raised by Mr. and Mrs. Watts. To assume a future road would infringe on the wetlands is a jump to conclusions, and the Commission should consider what is being requested, a right-of-way to the property, not a highway to disturb the wetlands. The Watt property is a land locked piece of property, and Ms. Watts said it is the Town's obligation to leave it open for future purposes.

THE PUBLIC HEARING WAS CONTINUED TO SEPTEMBER 28, 2015.

- 4. Zone Text Change Petition**
Fredric M. Kudish
Section 30, Schedule A
Subsection 23C-to permit outdoor events
On a working farm.

PH 7/13/15
PH 9/16/15

Rebecca Auger, Planner, Milone and MacBroom, represented the applicant, Fred Kudish, for the zone text change. She cited revised language and changes to amend Section 30, Schedule A, Permitted Uses. A copy of the changes is attached to these minutes.

Subsection 23.C. - Working Farm definition. The working farm definition is tied to Public Act Section 490, with the property currently engaged in agricultural activities. Farms hosting events shall be a minimum of 25 contiguous acres in common ownership or leasehold, have access from an arterial or collector street as defined by the CT DOT Functional Road Classification. A map is provided to show farms and streets.

The initial submission had activities taking place outdoors, in a tent/temporary structure. Upon further consideration it was decided to include existing farm structures, with nothing new built to facilitate the event hosting. Uses are limited to fee based outdoor recreation, event hosting such as weddings, private parties, etc.

Event Standards - all Fire Department comments are included with several requirements added, #3 through #7. #13 is clarification on the site plan per Section 40. The site plan required with the application shall display sufficient information; may not require a survey of the entire property but a reasonable portion that will be used for events; the site plan shall state adequate distance from property boundaries, event location, site access and egress, parking, sanitary facilities, lighting and pedestrian paths between these areas.

Special Permit Approval - the working farm shall provide the Planning Department with a list of annual events, including dates, number of persons expected, nature of the event. The applicant would not have to receive annual special permit approval provided the approved site plan remains in effect. This provides notification to the Planning Department and public safety departments so they are aware of what is planned.

A map identifying eligible parcels of land under the regulations and current agricultural uses was submitted to the Commission, with its discretion on eligible properties and standards for agricultural activities. There is comparison of communities (Colchester, Killingworth, Madison, North Stonington, Plainfield) for minimum acreage requirements, permit process, required distances, event time limitations, annual notification. Actual regulations from these communities was submitted to the Planning Department. The map defines parcels actively engaged in agriculture, and potentially affected by the zone text amendment.

Mr. Voelker stated this proposal requires a 25 acre or more farm requesting a special permit to hold events during stated times and within the regulations. It is for someone wanting permission to host, for pay, events on a semi-regular basis. The current events held on farms, not for profit, can still be held, i.e. hayrides, apple picking.

The year round calendar of events was cited as unreasonable by Ms. Marinaro, who said things change, come up, without advance notice.

Notification is to alert public safety and Town departments and Ms. Auger said the applicant can keep the staff apprised of the events on the list and not on the list.

Mr. Linder cited his concern about residences abutting these farms, as a quiet farm can become loud event centers a few feet from a house. He asked about a survey of abutting residences for identification of farms on the maps. He noted Kudish has a residence abutting the farm property.

This is a special permit process, and Ms. Auger said the Commission has discretion to look at each application and make a decision. Under #12 Monday through Saturday the time frame is 10 A.M. to 10 P.M. and Sunday 11 A.M. to 9:30 P.M.

The 75 feet from the property line was raised by Mr. Linder who asked where this came from...this could be more at the discretion of the Commission. He commented on the need to protect homeowners against noise and commotion, and a tent should be 300 feet from a property line.

Ms. Visconti agreed with Mr. Linder's comments, and asked about #2 with a large gathering, requesting more specifics. For #12, Ms. Visconti noted Cheshire does not have a noise ordinance. She agrees with more flexibility for shorter notice for events; 10 P.M. being too early to end a wedding, and recommends it be 11 P.M.

In reply, Ms. Auger stated the time limits are for the noise concerns for abutting property owners.

Ms. Visconti asked about an area without neighbors having a later time frame. She asked about 15 acre property versus 25 acre property.

25 acres opens up a number of farms in Town which could be eligible and Ms. Auger said smaller acreage could be forest land and require another analysis. She is comfortable with the 25 acres. To further change the text someone could present an amendment at a later date.

PUBLIC

William Keeley, Harvest Court, said farms are still in a residential neighborhood. There are multiple uses and time constraints for 7 days a week, and asked why 7 days a week with working farms having other uses. He asked about events such as racing cars, and commented on the noise issues with Oakdale Theater, parking, traffic and setting a precedent. According to Mr. Keeley there is a 55+ residential community near one of the stated farms for events, and said there should be a better way of circulating use of the particular property.

Mr. Voelker explained there is no particular parcel under consideration for this application, and an application has not been filed on any specific property.

Under #2, Ms. Auger pointed out that no more than 3 events per week can be hosted. She read an excerpt of Section 490 into the record regarding time line and 7 days a week for events. An event is something for which a fee is paid to the host farm. The original proposal never referred to motor cross or racing, but referred to skiing, and was changed to events based on outdoor recreation.

(Mr. Dawson left the meeting at 9:30 p.m.)

Mr. Voelker read a letter from John Torello, Bishops Farm, into the record.

John Torello, 748 Reservoir Road, stated his support of the text amendment. He has concerns about acreage restriction since events would be limited to two acres, and should be considered on a case by case basis.

Mr. Strollo explained that regular seasonal activities such as hay rides, apple picking, etc. are not affected by this text amendment.

Mr. Voelker clarified that the regulation is for events on a farm, with a fee paid for the farmer to host the event. He understands concerns of other farmers. The application started with 25 acres, and opens the door to introduction of non-farming uses at a farm. The acreage stipulation cannot be thrown out now because the analysis and standards for review were set on 25 acres.

THE PUBLIC HEARING WAS CONTINUED TO SEPTEMBER 28, 2015.

VI. ADJOURNMENT

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

MOVED to adjourn the public hearing at 9:55 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk