

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, MARCH 14, 2016 AT 7:30 P.M. IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz, Chairman; Sean Stollo, Vice Chairman; Members: S. Woody Dawson, John Kardaras, Vincent Lentini, Gil Linder, Louis Todisco, David Veleber.

Alternates - Jeff Natale, James Jinks

Absent: Edward Gaudio and Jon Fischer

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the public hearing to order at 7:31 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

Commissioner Veleber read the call of public hearing for all the applications.

1. **Waiver Requests** PH 2/22/16
Clearview Farm Preserve LLC PH 3/14/16
Pursuant to Section 11.1 Variances or Waivers MAD 5/18/16
Of Regulations of the Subdivision Regulations;
The applicant hereby requests the following waivers:
Section 5.6.2 Permissible Lengths
Section 6.10.1 Sidewalks
Section 6.5 Intersections

2. **Special Permit Application** PH 2/22/16
Clearview Farm Preserve LLC PH 3/14/16
947 Cornwall Avenue MAD 5/18/16
Rear Lot Access for 3 lot

3. **Subdivision Application** PH 2/22/16
Clearview Farm Preserve LLC PH 3/14/16
947 Cornwall Avenue MAD 5/18/16
21 lots

Attorney Fazzone and Darin Overton P.E. Milone & MacBroom represented the applicant. Mr. Fazzone stated there was a meeting with the neighbors, and he thanked Ms. Wilcox for notification of the meeting to other neighbors. There is no decision at this time from IWW, and the applicant expects IWW action shortly. At the neighborhood meeting there were two dominant issues...drainage and traffic. A traffic report will be presented for the application.

Darin Overton, P.E. Milone & MacBroom, stated this is a proposed subdivision in an R-20 zone, 21 lots, with 1 lot being retained by the existing land owner. There will be a cul de sac road 1,220 feet long off Mountain Road in the southern portion of the property, serving 13 lots. Cornwall Avenue Extension comes into the property now, will have some improvements to create a town standard cul de sac, with additional lots accessing Cornwall Avenue Extension. Based on results of the last hearing and public input, there was a meeting at Milone & MacBroom offices on February 29th for discussion, questions, answers. The storm water management portion of the application was reviewed; the water shed maps were looked at relative to neighborhood properties; and the storm water management plans. The plan provides for zero increase in runoff, water quality management. There was discussion about the septic system, designs, testing done on site, perk test locations by Chesprocott and submission of reports.

Dave Sullivan, Traffic Engineer, Milone & MacBroom conducted a traffic study of the site and reviewed his findings. A traffic assessment was done one year ago, with the primary focus on the location of the proposed driveway and its safety. The conditions around the driveway were looked at and its fit into those conditions. At the recent meeting there was discussion about speed on the road, and documentation of the speeds. Traffic recorders were put out on the road; speed in both directions, by hour, were recorded; 85th percentile speed is 38 mph traveling northbound, and 39 mph southbound; visibility/sight distance is 434 feet looking left and 423 feet looking right. The proposed driveway location is 140 feet south of Sorghum Mill Drive. Sight distances are more than adequate to meet CTDOT's guidelines. The sight line triangle is all on public property; to locate driveway (near home there), at 15 feet and 10 feet would be running across three adjacent properties, requiring permission and easement to keep their properties clear of any obstruction of sight lines. With the new location there are no such obstructions.

Mr. Sullivan commented on how traffic would operate, coming in and out of the driveway, and number of trips. The development of 20 units is estimated to have 20 total trips during morning peak hour, and 25 trips during afternoon peak hour. Level of service is A for Mountain Road and new cul de sac and Mountain Road and Sorghum Mill Drive; and level B for Mountain Road and Cornwall Avenue Extension eastbound left/through/right and westbound left/through/right.

There was much discussion at the neighborhood meeting about speed, which cannot be controlled, but can be looked at for speed characteristics out there. Speed is faster in the northbound direction, and southbound was the same. Relative to speed, there is a

crosswalk proposed coming out of Cornwall Avenue Extension to a sidewalk to the school, and the key there is the stopping sight distance. For a crosswalk, Mr. Sullivan said we want to make sure cars on Mountain Road make informed decisions and stop if someone is in the crosswalk. There should be signs posted.

Accident reports were looked at from West Main Street down to Higgins Road on Mountain Road. The area along the site frontage found 6 accidents over a 3 year period; no reported fatalities; and based on data there is no significant safety issue in the immediate vicinity of the site.

Mr. Lentini commented on the traffic study of one hour in the morning and afternoon, and out of Sorghum Mill Road, only one car turned left in the morning, and no cars turned right during rush hour. And, it is proposed the future will be the same. For the new road, it is projected 5 cars come out, and no cars out of Sorghum Mill.

In reply, Mr. Sullivan said it is estimated 20 trips in the morning and 25 in the afternoon for 21 homes, and this is conservative.

For the report, Mr. Veleber asked how traffic on West Main Street south impacts the study if this number increases 20% to 30%.

Mr. Sullivan said this analysis was not done. He commented on the level service A and B in the area, stop signs, slowing down etc. Total number of cars north and south on Mountain Road in the morning peak hour is about 400 cars, and afternoon peak hour is about 350 cars.

According to Mr. Dawson, Mountain Road is the alternate route around town, to Hamden and South Cheshire. This road is a heavily traveled road...and is as bad as Route 10.

Mr. Lentini asked about future traffic volume out of the cul de sac, noting the topography of the street, speed at up to 40mph, and the traffic engineer saying this is a safe place to be.

Mr. Sullivan responded "yes".

Mountain Road is a 25 mph street and Mr. Linder asked how the 40 mph compares...is it faster than average.

Mr. Sullivan said on a 25 mph road, no one travels 25 mph, and usual speed is 35 mph to 40 mph. The 85th percentile is 38 mph and 39 mph.

Mr. Linder asked about another stop sign on Mountain Road approaching Cornwall, and if this would alleviate and bring down the speed. He is sure it would help the safety situation with the crosswalk.

Stating it would help, Mr. Sullivan said stop signs for speed reduction alone are not recommended, and are a false sense of security.

On table 3 in the traffic study, level of service, Mr. Kurtz asked if Cornwall Avenue is included in this data.

Based on the accident report, Mr. Jinks noted there is an accident every 3 months, and asked about a comparison to similar streets, traffic, and speed.

Mr. Sullivan said he could not cite an example for comparison. There are many factors built into the process of the study.

(there are inaudible comments on the tape for a period of time)

Darin Overton noted the proposed watershed maps which were used at the public information meeting with neighbors. He pointed out the existing watersheds; one drains to the south to North Roaring Brook; a low depression on the properties is maintained by the homeowner; a watershed running up Mountain Road/Cornwall Avenue. With extension of the cul de sac there would be more town roadway to maintain, more impervious surface to deal with and storm water management. There is state forest land up the mountain and there is no potential for future extension to serve more lots. This was all the basis for the shared rear lot access way. For emergency access, the road was improved and extended for fire truck access, and there is an existing fire hydrant.

With regard to having two cul de sacs rather than one, Mr. Fazzone said the Bens family wants to retain their parcel of land. For two cul de sacs there would be requirement of 700 more feet for a town road, serving no lots. Another aspect was a through street only serving houses in this subdivision.

Mr. Fazzone said the 85th percentile was chosen because town regulations state sight lines must meet State standards...and it is 85th percentile.

At the last public hearing Mr. Fazzone dealt with the waiver requests, and submitted exhibits to the Commission. One exhibit showed the 50 foot strip being left, and he has placed everything into evidence. All comments and evidence have been summarized for the Commission.

Mr. Veleber said with one road it would eliminate the need for a 250 foot waiver. He asked about the plan to expand the road from 22 feet wide up to town standards, and if 3 rear lots could have a sub-standard town road.

According to Mr. Fazzone the right-of-way is 50 feet wide; telephone/utility poles must be moved to bring the road to town standards. A full cul de sac can be done without improving Cornwall Avenue Extension. It makes more sense to do a 3 lot rear lot access way.

Regarding Sorghum Mill Road and its approval with knowledge of well defined plans to build another road 140 feet to the south, Mr. Lentini asked for an explanation of this.

Attorney Fazzone said the last sheet shows Sorghum Mill Road and a proposed road. All the drainage off Sorghum Mill ends up on this proposed road. There is recorded information on the land records that the only way to access the back Bens property was with a through road.

Mr. Todisco asked about the specific requirements for a rear lot access being practical and desirable, and the road never being a town road. He said these findings must be made by the Commission for approval.

According to Attorney Fazzone the regulation talks about it being a through road to another location. He noted there is Cliff Edge Circle at the end of the land, with houses, and you cannot go through to this circle road. There is similar language with respect to a cul de sac, visibility and alternatives. It is more feasible and logical than another cul de sac which increases the amount of impervious surface. There are two natural depressions in the subject area to handle runoff from a rear lot access way. They would have to be changed, increased in size, to handle runoff from a 12 foot wide road from the rear lot access way. Either way you cannot get more than 3 houses, and a town road is not feasible or logical or desirable.

Town Planner Voelker read Section 5.5A of the Subdivision Regulations into the record.

A question was raised by Mr. Dawson about the houses with long driveways and their length. He commented on the big responsibility of the Commissioners in decision making and protecting the whole town.

Stating this is not where the public road would go through, Mr. Fazzone said all driveways meet the qualifications. There have been meetings with Cheshire Fire Department (CFD); several houses will have sprinkler systems; comments from Town Engineering did not include objections to the waivers; and CFD has not raised any objections. Cheshire Police comments state the sight lines meet requirements, and there are no safety issues.

Mr. Dawson commented on the nearby school, coming up Mountain Road, making a left or right, putting a crosswalk there with a light or guard...and CPD, CFD, Town Engineer, Town Planner all agree, and the public and Commission needs to understand.

Mr. Voelker read CFD comments dated 2/19/16 and CPD comments dated 3/10/16 into the record.

PUBLIC COMMENTS AND QUESTIONS

Lori Wilcox, 415 Mountain Road, talked about the traffic study, the 85th percentile, traffic actually speeding at 43 mph and not 39 mph, invalid street line proposal, and provided data from 2012 and 2014. She stated her concerns about the subdivision, the

importance of the mountain range, heavy and fast traffic, mailboxes being hit and replaced, effects on the environment and mountain range being a disservice, lack of an environmental study, lack of due diligence for this project. Ms. Wilcox stated her opposition to the subdivision proposal.

Tim Grimshaw, Riverside Drive, commented on the overall plan, double the number of houses on the west side of Mountain Brook, dangerous crossing to the school, a stop sign as a false sense of security, the increase in the number of children using the cross walk, and asked about a traffic light to provide safe crossing. He talked about safety concerns for children crossing Cornwall Avenue and Mountain Road and for the wildlife. Mr. Grimshaw contacted RWA and confirmed the perk testing information. He has concerns about box turtles and their endangerment. He noted this area is part of the watershed going to Hamden.

Helen Lee, 409 Mountain Road, read a statement from Todd Lee into the record. The statement was about Mountain Road, disturbance to Copperhead Snakes and nests, having to shoot snakes when they came down the mountain, and the sadness if the mountain is disturbed.

John Serra, 35 Mountain Edge Court, lives at the corner of the construction area, and stated the proposed plan to build houses will destroy the forest, animals diversity will be lost with drastic effects on the food web, the forest will not grow back, and what is there should be protected.

Peter Wilcox, 405 Mountain Road, asked for data on the road between two cul de sacs, cars using the road. He has concerns about the cross walk at Cornwall extension; kids will be using this road; kids cannot cross the road now due to fast traffic; Copperhead Snakes are a big concern. Mr. Wilcox read a newspaper article dated 8/18/66 into the record and submitted a copy for the file. He expressed concerns about the snakes, the environment, water runoff, pesticides, oil, etc. to be used in the new development which will affect brooks and streams. He requested a hydrodynamic separator installed before the water goes into the brooks.

David Schrumm, 369 Sir Walter Drive, stated cul de sacs are difficult for the town to maintain, and has never heard a traffic engineer say there will be no problem with traffic or water. He said the development cannot be stopped on this piece of land. The Cheshire greenbelt goes from the Notch Store to the cliff at SCSU; the town owns the space along the ridge to Prospect town line; and it costs lots of money to protect the greenbelt. Mr. Schrumm requested PZC makes its decision based on decisions that have come before and consider protection of the green belt.

Dave Saunders, 451 Mountain Road, stated nothing will stop this development, and we are going to let this town go away.

Dr. Joan Smallwood, 469 Mountain Road, submitted a written statement. She said there are serious environmental issues involved that are not being addressed. There is

traffic in this area; average speed is 40 to 43 mph; sight line distances are minimal and not those recommended.

David Wilcox asked about the 21st parcel on the 6 acre plot, which has debris and dumping, and if the regulations address this concern.

Chairman Kurtz advised there is nothing the town can do for that portion of the property, but the issues can be brought to the town.

Regarding the snakes, Mr. Todisco asked about their moving down to existing homes, the long term effect, and the concern about this issue.

Mr. Wilcox replied that in the past snakes were in people's yards and driveways and houses, and construction will disturb the snakes.

Commissioner Veleber read comments into the record: RWA dared 2/17/16; Town Engineer Nolte 3/14/16; and letters from Rosanna Solomon and Lori Wilcox.

THE PUBLIC HEARING WAS CONTINUED TO MARCH 28, 2016.

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| 4. Special Permit Application | PH 02/08/16 |
| <u>Fred Kudish</u> | PH 2/22/16 |
| 35 South Meriden Road | PH 3/14/16 |
| Outdoor events on existing working farm | MAD 5/18/16 |
| (Sec. 23C). | |

Attorney Michael Laden, 350 South Main Street, represented the applicant Fred Kudish. He cited Section 23 c of the regulations which allows outdoor events on existing working farms. He said Mr. Kudish purchased the farm 30 years ago and has operated it as a farm and orchard with a long time commitment to the community.

Ryan McEvoy, P.E. Milone and MacBroom, stated there was a petition in support of the application. A letter was submitted to neighbors for an informational meeting in January 2016 but no one attended the meeting. He advised that a hearing before IWW is not required.

This is a 28 acre parcel on South Meriden Road, is a working farm, and on the plans, Mr. McEvoy pointed out the farm, Richmond Glen, and properties to the north and east. The property has a farm store, pond, horse fencing around a ring, farmers to the west and orchards further to the west and south.

Mr. McEvoy said Mr. Kudish is proposing to host outdoor events on the farm, with all activities in the southeast corner along the Route 70 side; the rest of the property will remain a working orchard; and the area between the pond and Route 70 will be used for parking.

Mr. McEvoy explained the new drainage system installed on the property. The map of the area shows where the activities are proposed. During the picking season there are hundreds of cars parked on the farm and event parking is in the same area. The farm events will be held in the riding rink under a tent; behind the farm store will be a luxury comfort station with bathroom facilities; and around the back side of the pond will be a grass area for gathering.

The zone text was approved in October 2015, and it included many conditions to be met to conform to hosting events under a special permit. Mr. McEvoy reviewed the 13 standards, and cited the applicant's meeting all of these standards and compliance with the regulations.

1. Nearest resident is to the north, 280 feet from the event site; the site is 100 Feet from the State highway line.
2. No more than 300 people at events; parking is in accordance with the 18'x9' space; accommodations for 100 vehicles, 3 people per vehicle; hosting one event per week, and five events per month; extension of the existing permit can be done in two years; modification of the permit requires a public hearing and Commission action.
3. There are three curb cuts at the farm; one will be roped off for emergency situations.
4. CPD and CFD comments have no exceptions for the application.
5. The applicant will comply with this regulation; photo of proposed tent was submitted for the record.
6. Applicant will comply with this requirement.
7. Applicant will comply without exception.
8. There will be adequate off-street parking.
9. There will be adequate sanitary facilities in compliance with the health code; will have luxury comfort station; and comply with Chesprocott regulations.
10. Caterers will have appropriate licenses.
11. Lighting within the tent; battery lights in the outside area to get to comfort station and parking; no lighting towards South Meriden Road and property owners.
12. Compliance with regulations regarding sound, no higher than 55 decibels.

13. Plans are submitted per Section 41.

Before hosting an event, Mr. Kudish will provide a sound analysis by a sound engineer so sound is not over 55 decibels, particularly towards the Richmond Glen development and abutting neighbors. The concerns about impact of noise is understood by Mr. Kudish, and he will comply with the regulations.

With regard to parking, Chairman Kurtz asked about #8, and an outdoor event along with apple picking season.

Mr. McEvoy said there September and October events will not overlap the picking season. Attorney Laden said the orchard will be closed during events. There will be no events after October 1st each year.

The issue of overflow parking was raised by Mr. Natale.

The Commission was told by Mr. McEvoy that parking spaces are based on town standards, and there is parking of more than 100 cars during picking season. The average is 3 people per car and the applicant has demonstrated adequate spaces. There will be no parking beyond what is permitted; there could be some parking at the house for the event planners and caterers.

Mr. Natale asked about sound and noise to 10 p.m. at night, and events in the ring and meadow.

There are a number of farms in the vicinity, and Mr. McEvoy said the goal is to comply with State standards. He noted that Mr. Kudish is trying to maintain a small farm operation and wants to keep this farm in place, getting the least impactful events for the farm. The events will be held in the regions stated on the application.

The testing of sound levels to date was raised by Mr. Jinks.

There has been no testing and Mr. McEvoy said the goal is to meet the 55 decibel level at the property line. The applicant is prepared to perform a study with findings shared with the Planning Department.

If levels are exceeded, Mr. Jinks asked if there is a contingency plan in place.

Mr. McEvoy replied there is no plan in place.

It was stated Mr. Kardaras that with farms, over the years, there are harvesting/planting festivals, typically held on the farm.

Mr. McEvoy said that is true, and there are many things going on now, including apple picking. The areas cited are for weddings and other events, which are appropriate.

Regarding the vacant land to the south, Mr. Veleber asked what is being built there and how far away it is from the ring area on the subject farm.

This is a 10 acre residentially zoned land area, and Mr. McEvoy said it is about 340 feet away from the farm.

On the plans there is the ring, harvest shed and house, and Mr. Veleber asked if the house is a separate lot or in common ownership per the regulations.

Mr. McEvoy said it is common ownership by Mr. and Mrs. Kudish.

PUBLIC COMMENTS AND QUESTIONS

Kate Kudish stated the farm was rebuilt in 1977 and her parents have been there for 39 years, and want to keep it a working farm, and host events. She is a professional event planner, will plan, carry out the events and be in compliance with the permit, protecting the farm for community enjoyment. She said the events business will promote tourism in the area, and advised many New York State farms benefit from housing events. Ms. Kudish asked the Commission to approve the application.

Tim Galvin, 95 Richmond Glen Drive, read a letter into the record which he authored for the Cheshire Herald. He said Milone and MacBroom map does not tell people what the noise is like for area residents, and the June 2014 wedding music was too loud. Mr. Galvin stated the 55 decibel level cannot be maintained properly and is too loud.

Ken Neumann, 808 South Meriden Road resident of 42 years, said he hears the CHS Band from his house, and the proposed activity is closer than the high school. He asked who will enforce the noise levels, if there will be engineering testing at each event for sound generation, and maintenance of levels throughout the event. Mr. Neumann noted there are no town representatives to enforce the noise decibel levels, and the town must look at enforcement. The DEEP cannot get accurate readings with legality for enforcement; it is difficult and expensive; the town does not have the capability and cannot do it either. The burden is on the applicant for documentation of decibel levels for each event and throughout the event for self enforcement. Mr. Neumann cited his security concerns, problems at functions, and the PZC should disallow concerts as an event on the farm. He asked if a port-a-potty will be a permanent part of the venue and if activity is only in the ring area.

Chairman Kurtz stated concerts are not allowed under the regulations, and special permit applications will be reviewed by town staff to insure compliance with all health codes and regulations.

If anything happens or there is violation of the permit, Mr. Voelker said enforcement action can be taken by the town. The ZEO has no legal authority. A violation of the permit would affect the permit renewal; and a permit can be renewed without a public hearing.

Rick Roberts, Buckland Street, expressed concerns about noise, and the farm being within a football field of 55+ residences. This is not the right property; modifying noise will be a disaster; and, this is not the right neighborhood for this regulation. Mr. Roberts read Section 40.4.7 into the record and stated they have not met the regulation. This is discord and tension and people moved into a quiet neighborhood, and moved next to a farm, not a bandstand. It is not just music but other noises from a group of 300 people, plus clean-up after the event...and the application should be rejected.

Mr. Kardaras talked about roosters and tractors at 6 a.m. on a farm, and asked if this noise is worse than music. He said the permitted uses in place now could be louder than the events.

The Commission was told by Mr. Roberts he has not heard tractors or roosters, and music has a sound system, different caliber and type of noise.

Georgina Caruso, Richmond Glen, stated having a problem with the proposal for Hickory Hill Farms. She commented on the loud music and noise from the June 2014 wedding at the farm, booming noise, house shaking, electronic music, etc. which produces stress and anxiety. The proposal is a wedding without walls, and neighbors do not want to hear anything more than birds and the trees. The town does not have a noise ordinance, cannot control noise, there will be many problems, reduction in property values, and people want a good quality of life. Without their application, Hickory Hill is a good neighbor. Richmond Glen is a retirement community, and she is against this application, and there is a petition in opposition for the record.

Lou Caruso, Richmond Glen, submitted the petition in opposition to the application, letters from neighbors, Cheshire Herald editorial, and map showing the affected areas from the June 2014 wedding. Mr. Caruso commented on Cheshire not having a noise ordinance, using the State 55 decibel limit which is actually 100 decibel impulse, and the lack of control for a 300 people event with music. This is putting the health, welfare and safety of people in jeopardy, and he is opposed to the application. Mr. Caruso stated 60 towns have adopted noise ordinances as they deem the State ordinance inadequate. He read a section from a typical noise ordinance into the record and submitted it for the record. Mr. Caruso said property values will be affected, and people will not be able to sell, people will not want to buy, living with noise as proposed by the applicant.

Joe Farrell, 190 Richmond Glen, agreed with the statements already made; noise is a major issue for older area residents; the common concern is enforcement of the noise without a town person available on weekends to check on the matter. He also commented on overflow parking and where people will park for a wedding.

If this application is approved, Town Planner Voelker restated that the applicant must abide by the regulations. He noted the ZEO is not a police officer, has no enforcement powers, but must give notice of the violation, try to correct it, and further action is in the court system. Regarding parking, Mr. Voelker said the applicant proposes events

within the number of parking spaces, 100 cars, 300 people, and if this is not done, it violates the permit. It is unknown where extra cars will park.

Mr. Farrell asked about recourse, and how long people have to put up with the noise before something is done, and the recourses available to them...and the DEEP has no ability of enforcement.

Jessica Bloking 200 South Meriden Road, lives close to the farm, and said there is already a lot of traffic from the picking season. She has no stress from people having a good time and music, and welcomes the addition of events to the community.

MOTION by Mr. Veleber; seconded by Mr. Stollo.

MOVED to continue the public hearing beyond the 11:00 p.m. curfew to the conclusion of business.

VOTE The motion passed 8-1; Kardaras opposed.

Robert Ham, 333 Cortland Circle, stated his support of the Kudish application. He said Mr. Kudish introduced himself when the Ham Family moved into the area, spoke about the planned events at the farm, and was polite and respectful. Mr. Ham has attended a farm to table event at the farm, had a great time, and it was a high end operation. He believes people are looking at this application the wrong way, and said it can work for the Kudish Family.

Marie Boutsoulis, 671 Cortland Circle resident of 32 years, supports the Kudish request and the need to save our farms.

Slade Wilson, 365 South Meriden Road, said he would be losing home value with this proposed application. He heard the last wedding; put his daughter to bed at 7 p.m. and heard the d.j. with 100 decibel levels a short distance away. He has had cars parked on his lawn from the farm, and does not support the application. Mr. Wilson said the Kudish Family are good people, but the proposal is not in the best interests of the neighbors or the town.

Faith Ham stated her support of the Kudish Family and their events at the farm. She heard the music from the wedding, it was not disruptive, and the Kudish Family are good citizens for the community, stewards of their land, will keep decibel levels low, abide by the terms of the regulation to appease neighbors. She participated in the farm to table event and it was very professionally done. Ms. Ham commented on the need to preserve farms, which are hard to maintain, have many dire issues, and people should be encouraging ways for farms to stay in town.

Jay Brodach, developer of Richmond Glen, stated he knows Mr. Kudish, but strongly opposes the application. It is not the proper location for organized events of up to 300 people so close to existing homes in a residential zone. He has concerns about noise

from 300+ people, with Richmond Glen elderly residents so close to the farm, and the effect on their quality of life. Cheshire does not have a noise ordinance or enforcement of noise problems, but police get complaints about noise. The hosting of events should not be in existence at Hickory Hill Farm.

Mr. Kardaras raised the issue of farm noise, and asked about regulations with exemption for farm activities.

In response, Mr. Brodach said this is noise from 300+ people with loud music.

John Lambert, 25 Trumbell Place, North Haven, CT, addressed the Commission as the attorney for the Richmond Glen residents, and cited the noise issue. Attorney Lambert submitted documents in opposition to the special permit application. He has conferred with Town Assessor Panagrosso regarding the subject property, and said the farm is not classified as a working farm for five years, and does not fall within the regulations. Most of the parcel is owned by Fredric M. Kudish, is classified at P.A. 390 Farm Land, 25.51 acres and appraised at \$20,660. The remaining land is 0.92 acres with the store and parking, is not P.A. 490 land, and is appraised at \$77,030. The house lot does not have 490 classification. The land is appraised at \$110,000, same as the house next door. The acres with 490 treatment are assessed at about \$900 an acre. The house is appraised at \$110,000. The land where the riding ring is located, about 15%, is not classified 490, and has not been so classified for the past five years. That portion does not fall within the regulations.

Attorney Lambert has talked with Mr. Voelker about the application.

Mr. Lambert cited Section 33.1.2 in the regulations for parking, which applies to churches, places of worship, theaters, assembly halls or stadia and the like. A banquet hall is not one of these things. He cited three other places in the State that meet the requirements...Ocean View New Haven, St. Clements in Portland and Lyman Orchards in Middlefield. All have lots of parking on site and street parking. One space per two guests is the criteria for some places; industry standard is one space for 2.5 guests including staff; another standard is one space for three guests.

According to Mr. Lambert, the applicant has not produced any evidence that the Cheshire parking regulations will work. The parking as shown, even temporary parking, is not appropriate. The parking must be 20 feet from the side line; the Kurdish parking is 10 feet from the side line; and there is no plan to keep people from parking where it is not allowed. This is a new commercial use and the regulations do not permit parking on the road grade. The applicant proposes a tent to cover the entire area. The regulations require setbacks. Mr. Lambert said the Commission cannot ignore property lines; all the property is not classified 490; and there is no application for a setback variance.

THE PUBLIC HEARING WAS CONTINUED TO MARCH 28, 2016.

5. Special Permit Application
Rondo's Realty LLC
1717 & 1721 Highland Avenue
Expanded parking facilities serving
Proposed 3,300 s.f. restaurant addition with
Outdoor patio dining area

PH 3/14/16
MAD 5/18/16

David Carson, OCC Group, represented the applicant for a proposed expansion of the Rondo Osterio/restaurant. The plans call for a 3,300 sq. ft. building addition, outdoor patio and extensive parking expansion to serve the two additions. The plans have been reviewed by various town departments and RWA, with comments incorporated into the plans. The plans include the building expansion of 3,300 sq. ft. and the first phase will only be the outdoor patio, and building expansion at a later date. In looking at the restaurant expansion there are complexities involved on the internal layout, and architectural plans are not developed at this time. The applicant is requesting approval to build out the parking, drainage system, approve the outdoor patio on the north side of the building. When architectural plans are available they will be submitted for approval. Under the special permit regulations the applicant asked for waiver of a second public hearing.

Town Planner Voelker read comments from RWA dated 2/3/16 and Engineering Department comments dated 2/17/16 into the record.

Mr. Carson referred to the Engineering Department comments, 1 to 3, which have been added to the plans submitted. The driveway and temporary parking area will be removed within the stated 60 day time limit stipulated by the Town Planner.

With regard to the temporary parking, Mr. Veleber asked if it will be discontinued, and if the new parking lot will stem out to Reinhard Road. He thinks this will be a good idea and provide an alternate exit from the restaurant, and a second means of access.

In response, Mr. Carson noted there is a grade differential of 15 feet which does not make this possible. In the long range plans there could be such a connection.

THE PUBLIC HEARING WAS CLOSED.

VI. ADJOURNMENT

MOTION by Mr. Veleber; seconded by Mr. Stollo.

MOVED to adjourn the public hearing at 11:35 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk