

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, APRIL 25, 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, Edward Gaudio, John Kardaras, Vincent Lentini, Gil Linder, Louis Todisco, David Veleber.

Alternates - Jon Fischer, James Jinks, Jeff Natale

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the public hearing to order at 7:30 p.m.

Commissioner Veleber was recused from application #1.

Mr. Natale was the alternate for application #1.

II. ROLL CALL

The clerk called the roll.

IV. PLEDGE OF ALLEGIANCE

The Group Pledged Allegiance to the Flag.

V. BUSINESS

Mr. Veleber read the call of public hearing for each application.

1. Special Permit Application

Cheshire Lutheran Church

Construction of Columbarium/Memorial Wall

PH 4/25/16

MAD 6/29/16

Priscilla Mulvaney represented the applicant, Cheshire Lutheran Church, for construction of a Columbarium/Memorial Wall on the Church property. The Church is looking to build two Columbarium walls. Ms. Mulvaney said that photographs and plans were submitted for the record. The Columbarium is a stone wall with the top having compartments for the remains of deceased persons associated with the Church. There will be memorial plaques. It is two walls, curved, and the 2nd wall will be built, as needed. The wall is 27 inches high, 30 inches wide, and there will be landscaped features. It was pointed out by Ms. Mulvaney that there are homes and nursing homes in Cheshire with stone walls. The proposed walls will be in harmony with the area; there is the ability to have people come to the garden, a place for remembrance and reflection; and there is on site, off-street parking. There is emergency vehicle access, and there will be no lighting proposed. Ms. Mulvaney said this use is similar to that of a church with a cemetery on its property.

Ms. Mulvaney has read the Town Planner's report; there is agreement with the comments and conditions cited by Chesprocott; and the Church agrees with the conditions of the special permit. There are Connecticut General Statutes for a Columbarium related to the location and materials to build the wall(s). She said the Columbarium will be of the best quality and the proposed location is the best site for the wall, with durability insured.

Town Planner Voelker read the Chesprocott letter (and part of CGS Sec. 19a-310) into the record of the meeting.

Mr. Voelker informed the Commissioners that Town Engineer Walter Gancarz is a member of the Church and has represented the Church application in face to face discussions with the Town Building Official.

According to Ms. Mulvaney, the Columbarium site will have landscaping features, a garden, and some benches.

The question was raised by Mr. Dawson about any other stone walls in Town.

(Mr. Kardaras and Mr. Todisco entered the meeting at 7:38 p.m.)

Ms. Mulvaney advised there is a Columbarium on the interior of The Congregational Church. She and other Church members have visited areas throughout the State and have found many outdoor stone walls such as the one proposed.

There were no further comments or questions. Chairman Kurtz closed the public hearing.

This portion of the public was adjourned with the following motion.

MOTION by Mr. Dawson; seconded by Mr. Gaudio.

MOVED to adjourn the public hearing at 7:41 p.m.

VOTE The motion passed unanimously by those present.

Following adjournment the Commission opened the Regular Meeting for action on the Cheshire Lutheran Church application.

The Commission reconvened the public hearing at 7:44 p.m.

2. Waiver Requests	PH 2/22/16
<u>Clearview Farm Preserve LLC</u>	PH 3/14/16
Pursuant to Section 11.1 Variances or Waivers	PH 3/28/16

- Of Regulations of the Subdivision Regulations;** PH 4/25/16
The applicant hereby requests the following MAD 6/29/16
waivers:
- Section 5.6.2 Permissible Lengths**
Section 6.10.1 Sidewalks
Section 6.5 Intersections
3. **Special Permit Application** PH 2/22/16
Clearview Farm Preserve LLC PH 3/14/16
947 Cornwall Avenue PH 3/28/16
Rear Lot Access for 3 lot PH 4/25/16
MAD 6/29/16
4. **Subdivision Application** PH 2/22/16
Clearview Farm Preserve LLC PH 3/14/16
947 Cornwall Avenue PH 3/28/16
21 lots PH 4/25/16
MAD 6/29/16

Attorney Anthony Fazzone, One Towne Center, represented the applicant, Clearview Farm Preserve LLC. The Commission was informed by Attorney Fazzone that the application received IWW approval. He submitted the communication from IWW for the record.

Town Planner Voelker read the IWW approval letter to the PZC into the record.

With regard to the IWW approval, Mr. Fazzone pointed out there are conditions associated with the approval. First, the applicant must follow recommendations of the Connecticut DEEP with respect to the Natural Diversity Data Base. The review by DEEP was done, along with the required follow-up. This is a residential sub-division and environmental study questions have been raised, as well as what has been done in terms of environmental searches etc. As part of the general permit for discharge of storm water and dewatering waste water from construction activities, the State permit requires going through the Natural Diversity Data Base process, and this has been done. DEEP received information on the location of the subdivision; series of maps were looked at for hits, species of concern; a botanical study was done; hits had to do with Wood and Box Turtles. A search was done; none were found; the botanical study did not find any species of concern; and reports were submitted to DEEP. On April 18, the applicant received DEEP follow-up letter indicating precaution to be taken with respect to turtles. Before construction activity takes place there will be a complete sweep of the disturbed area to look for Box Turtles. IWW approval requires the applicant to abide by conditions before construction or cleaning activity starts, and they will be followed.

Mr. Fazzone introduced the IWW letter as an exhibit for the record.

The applicant is working with DEEP for watershed areas and aquifer reports must be filled out to the RWA, which is done, followed by an RWA response. Mr. Fazzone said the applicant is in full agreement with RWA conditions and those of DEEP, noting those related to wetlands, proximity to wetlands, are in the IWW approval. The Chesprocott report with respect to testing done for septic systems is in the file.

Mr. Voelker read the RWA letter dated February 17, 2016 into the record.

Traffic Study - Dave Sullivan, Milone and MacBroom, reviewed the report submitted last week, and the issues cited. The amount of traffic on Mountain Road has increased 20% to 30% over several years, and this will be the same with the new subdivision. Levels of service out of the new road will be B, and all service levels will be A or B. The pedestrian crossing at Cornwall and Mountain Road was submitted to the Cheshire Police Department (CPD). In a response from Officer Moore it says CPD is in favor of the crossing, wants to insure a school crossing and meeting DOT standards. Signage and advance signage will be at the crosswalk indicating it is a school crossing.

Mr. Voelker read Officer Moore's communication dated March 29, 2016 into the record.

Sightline Demo - there are a number of data points out there, and Mr. Sullivan said the speed is a high 30 mph to low 40 mph. With the new road, sight line of 555 feet, it is 50mph at 50th percentile; 700 feet=60 mph. The 30% increase in Mountain Road traffic is a general increase and not just from the proposed subdivision. Mr. Sullivan said moving cars are not considered a sightline obstacle, and parked cars are not considered permanent sightline obstacles. Even with Sorgham Mill this is considered a safe intersection.

According to Attorney Fazzone the earlier CPD comments were read into the record, and their response is that sightlines were adequate based on information provided, and based on 50mph this is more than the case.

Darin Overton, P.E. Milone and MacBroom reviewed the environmental history of the site, hiring of soil scientist, identification of wetlands, flagging wetlands, reports submitted in February and March 2015, mapping showing hatched area on the property, botanist site visits in May and June 2015, report that no habitat existed for turtle species, and a full report was sent to DEEP on February 29, 2016, along with a request for final determination. On April 8, 2016 the DEEP final report was received about endangered species; a search will be done for turtles; and all protocols will be followed during construction. IWW approval was received which provides for additional wetlands protection.

On the plans, Mr. Overton pointed out the green line as the wetlands line, flagged by the soil scientist; the yellow line is the non-encroachment line; this is a protected area and will be identified to the new homeowners.

At the last public hearing there was discussion about drainage and storm water management. The watershed maps show the existing conditions, points of analysis A-D, proposed conditions under the new roadway, creation of plan for the lots, drainage collection system of storm water from the roadway to the water management basin. #20 watershed drains to the back of existing homes and the ridge line in the meadow, back towards the slope...the dashed line is the concentration identified where water collects and drains towards the drainage system. There is reduced size of the watershed and surface water runoff. The collection system on the plans is highlighted on the map. Engineering Department reviewed and accepted the plans.

Septic Design Overview - Mr. Overton reported 43 test pits have been done on the site starting in December 2014; 42 perk tests have been done; all testing observed by Chesprocott and recorded in their records. Each septic system is designed in accordance with the public health code; Sanitary Certificate was received on March 10, 2015; revised plans for the current application received approval on January 28, 2016.

Regarding shared rear lot access ways, Mr. Overton stated there are such access ways near 370 Mount Sanford Road, 414 Mount Sanford Road, 3 on Harrison Road, 1 on Cook Hill Road. Many roads have been upgraded over the years and approved by the Town. Some roads are still narrower and approved by the Town. The alternative road design has been reviewed by staff, with a copy for the record.

An 11x17 copy of historical aerial maps and information on the ridge line were submitted for the record. These maps were from 1934; they provide a perspective on the farming activity in the area before housing was developed; show active farming fields of the time; shows North Rolling Brook is clear to the brook and clearing to the base of Bethany Mountain. The 1970 historical map shows the changes when houses were built on Mountain Road, with the Bens Farm still active, but near Bethany Mountain Road there is no activity. The AT&T line went in from the north, along property lines, near the Cornwall Avenue Extension and up this road, then heads south down to the tower on Higgins Road.

USGS Map shows delineation of the property, where the base of the ridge is to the proposed development. The USGS map with overlay of the property for the subdivision, green forest areas, clearing for active farm area, existing homes, proposed road, center of Mountain Road, property line and where it starts and ends, flood area, was displayed by Mr. Overton who pointed out these areas. Section AA shows Mountain Road, back of the property line, flat area which goes to base of start of the ridge, area where slope goes up the mountain, changes in topography, impact to the ridge, steep slopes in the back of the property line going up the mountain, ridge showing the dip where North Rolling Brook forms and comes down the mountain (blue color). The subdivision proposed is in a relatively flat area; as part of the farm activity the area could have been filled in; no specific areas other than the subdivision area were noted for test pits.

On the AA map Mr. Overton noted the blue line which is the upper part of North Rolling Brook, and he pointed out sections of the stream channel, which has a depth of about 75 feet. Regarding water flowing down, the channel is 6 feet wide, and gets narrower. There is no area of water jumping out of the channel; the FEMA map shows 100 year flood which stays within the channel, which his lined with large cobble stones.

The Commission was told by Mr. Overton that IWW did a full walk on the subject site.

Mr. Veleber asked about the culvert being sufficient to allow water flow under the new road bend.

The pipe looks to be in good condition, and Mr. Overton said the outlet seems to be stable, there is no history of problems.

Density - Mr. Overton looked at the numbers. The total site is 25.6 acres; Bens Family is retaining some acreage; this leaves 19.8 acres for the subdivision of 20 lots; each lot is .975 acres, 42,740 sq. ft. in an R-20 zone, and each lot is double the size for this zone. The only narrow area of wetlands is along the stream core. A large portion of the property is developable land; it provides approved public access to the State open land which will have a small parking area; and there is improvement to the State land as part of the subdivision.

Stating he visited the site, Mr. Todisco questioned the elevation of the ridge and subdivision.

Mr. Overton stated the ridge elevation at 620 based on USGS data; and the subdivision is 210.

In a letter from a member of the public, Mr. Wilcox, Mr. Todisco noted there was mention of a hydrodynamic separator to be utilized for removal of chemicals from the drinking water, and if this is an issue to be dealt with.

The Commission was informed by Mr. Overton that this separator is a chamber; storm water runs through it. There is another option with a filter which traps and isolates sediment in a smaller area to be cleaned out, and achieves the same goal.

Mr. Todisco asked about the area where homes are to be built on the rear lot portion, and being a steep area to the roadway...water going there, icing the road, and if this is a concern.

On the plans, Mr. Overton pointed out Cornwall Avenue Extension, and noted water drains off into the subdivision property. The Town Engineer discussed improvements, curving the road, putting in a storm drains system, runoff to the drainage system, and there will be no icing on the road. There is little water shed; the rest of the area is below Cornwall Avenue; conditions will be improved in the area; and there is no anticipation of icing problems.

The property includes a cul de sac rather than through road, and Mr. Todisco asked if there is less impervious surface, which was stated in testimony.

Mr. Overton said that is correct. An additional road would serve the lots, but there would be more impervious surface for the Town to maintain.

Regarding the protocol for Turtles on the site, Mr. Todisco asked about the protocol and how it is accomplished.

Mr. Overton said the property would be swept before construction; there will be a walk through of the site; and turtles identified before construction. If there are turtles they would be relocated to an off site area, with a silt fence to prevent their return to the area. Biologists on the site did not identify any turtles. Protocols will be adhered to, if needed.

Mr. Linder asked about the Cornwall Avenue Extension, improvements to the subdivision road under Town standards, and the road being widened to 22 feet rather than 30 feet wide. He asked if the road coming off the cul de sac will be a standard 30 foot wide road, and narrow to a 22 foot road.

It was stated by Mr. Overton there is no terminus to Cornwall Avenue Extension...it is a gravel path up the mountain. Part of the project will build the cul de sac road to Town standards. The applicant will also do off-site improvements with the 22 foot wide road and drainage improvements.

Mr. Linder asked what prevents the Town and developer from this being a standard 30 foot wide road. If the Town is willing to create a 22 foot road, why not go to 30 feet wide for a nice, beautiful road, to better service the property owners.

On the north side there are mature trees close to the pavement and Mr. Overton said the developer does not want to cut them down. On the south side, if the road is widened, it will be outside the right-of-way, and we would have an issue. There are fewer large trees on the north side; utility relocation would have to take place; and this would increase the cost of the off-site improvements.

With the proposed development, Mr. Linder noted 13 houses will be utilizing the Cornwall Avenue Extension, and he questions the 22 foot wide road serving them property. He talked about the Bens Family planning future development. Mr. Linder also asked about discussions with the Town about subsidizing the costs for a 30 foot wide road.

For a residential subdivision, Mr. Overton said the 22 foot wide road is adequate to serve the number of vehicles, particularly for a dead end road. He did not take part in discussions with the Town about the road width. Mr. Overton noted there are other narrow roads in Town, with more houses, and they have served Cheshire for a long time.

At the last meeting, Chairman Kurtz noted that the Town did not want to put in a 30 foot wide road.

Town Planner Voelker explained that, initially, the Town Engineer did want a 30 foot wide road, but it cannot be required. And, the Engineering Department does not have the funds to spend on this road. The improvements are off-site and not regulated by State statute. As a solution, the Town agreed to a 22 foot wide road.

Stating he does not understand how this is done, Mr. Dawson said the PZC makes a decision; off-site improvements done on Town property sends a message to other developers; and people want private driveways. The Commission cannot request a developer to do off-site improvements.

With the exception of the width of this road (22 feet), Mr. Fazzone said the construction will be to all Town standards. The Town would not do the road to 30 feet because of constraints with the utility poles. The road is not in good shape; there are safety issues; and the applicant realizes a benefit to the developer and the Town; and will bring the road to 22 feet wide.

If the road is not up to standards, Mr. Dawson said the houses should not go there; things must be done right; and he must take a stand.

Mr. Linder clarified his point...the developer is offering a 22 foot wide road, which is sub-standard but better than what now exists. There is no negotiation between the Town and developer, and he asked why a more acceptable road to standards cannot be negotiated.

If the Town were doing this road, Mr. Fazzone said it would be 30 feet wide. What is being done is an improvement to the current road conditions...22 feet wide and a sidewalk which is acceptable to the Town. He said the Engineering Department did not state the town would build a 30 foot wide road, and was satisfied with the proposed upgrade. Cheshire Fire Department (CFD) is satisfied with the full cul de sac, sidewalk, and the 22 foot wide road.

Regarding upkeep of this road, Mr. Natale said plowing and maintaining a cul de sac is more difficult than a straight road. He asked why the road is not going all the way through for the lots.

(Mr. Kardaras left the meeting at 9:00 p.m.; Mr. Natale was the alternate).

Mr. Fazzone said there is no impact to the number of lots; an additional roadway would not serve any lots; he does not see the need or reasoning for a through road. It would not be a bypass and serve houses in the subdivision. The north part has access to Cornwall Avenue, and the south is through Beachwood Court.

In discussions with the Town Engineers, Mr. Strollo asked if 30 feet rather than 22 feet wide was discussed. The 22 feet will encroach on the current residents, with some having part of their property taken away. Mr. Strollo considers 22 feet to be wide enough; and a 30 foot wide road is one with white lines in the middle; and a narrower road will slow traffic.

Mr. Fazzone cited Meadow Road as a longer stretch and is narrower than the proposed road. There is 50 foot wide of right-of-way at Cornwall Avenue Extension, that goes straight out to the road. You could not within that path make a turning radius. There would be no taking of property on this land, but the perception is houses closer to the 50 foot right-of-way.

Regarding the 50 foot right-of-way, Mr. Veleber said Cornwall Avenue and Cornwall Avenue Extension are off set. He asked about the proposed widening of the Extension reducing the jog to the left side.

On the map, Mr. Sullivan pointed out Cornwall Avenue Extension, the right-of-way to the north, and right-of-way to the south adjacent to where the sidewalk will be located. Within the improved offset, he said there is maximum widening.

Mr. Veleber pointed out a house on the corner and one further up...these are off-site, and by widening the road it is taking the two houses and leaving houses on the right hand side alone. At the last meeting he noted there was discussion about a video to look at the drain lines...what is clogged and not clogged, and asked if this was done.

The applicant agreed to do some tv inspection and Mr. Overton said Public Works and Engineering staff visited the site, and found it to be mostly clear. Prior to construction it will be checked again, and clearing done, if necessary.

Mr. Natale talked about 6 parking spaces on Beachwood, and off Cornwall Avenue Extension it says Bens Homestead Trail (SP-2 on the plans).

The Commission was told by Mr. Overton that as part of the subdivision, the applicant agreed to deed a strip off Cornwall Avenue.

According to Mr. Fazzone it was the Cornwall Avenue Extension that was discussed, with questions about meeting requirements to have a rear lot access way. He submitted a copy of the Town GIS Map, noting the red colored area is to be served by the rear lot access way. This map shows Mountain Edge Court full developed; there is no access to this property for any future through street; the alternate rear lot access way would be the same for of cul de sac, with additional impervious surface serving very few lots. It would not be logical to require a 30 foot paved cul de sac to serve 3 homes, and this is why the rear lot access way was proposed.

Mr. Sullivan said it is 22 feet wide; Town standard is 30 feet width; the 22 foot road is more than adequate; and more and more of them are seen today. The trend is smaller roads. With this road there are significant improvements.

Mr. Linder commented on his experience living in a cul de sac, with trucks creating problems, and he cannot imagine a 22 foot width as acceptable.

PUBLIC COMMENTS AND QUESTIONS

Tracey Jewett, 920 Cornwall Avenue, read a prepared statement into the record citing her reasons for opposition to the subdivision. Ms. Jewett's statement cited many of her issues of concern including drainage plans, 6 catch basins, storm water runoff, current drainage problems on properties, cutting down of many trees, adding more impervious surfaces and associated risks, an environmental study was not conducted, conflict with listed species, existence of a possible brownfield, possible finding of toxic substances, advocating for responsible use of this land, and profit not coming before safety. T statement was submitted and made part of the file.

Stephanie Arcangelo, 375 Mountain Road, is pleased about the school cross walk improvements, but is not pleased with part of her lawn being taken away to expand the roadway. She wants to personally hear why this is being done, pays taxes, and does not understand the need for another subdivision when 40+ houses are for sale in Town.

Gary Baylor, 741 Cornwall Avenue is a builder who was formerly interested in the subject property, but did not get involved due to testing, etc. He checked with DEEP and Cheshire knowing about problems on the site, and is bringing them to the Commission.

Don Byrne, 930 Cornwall Avenue, has concerns and cited them. First, CFD waiting until after the homes are built to determine if a fire truck can make the turn on the 22 foot wide road. He believes the right-of-way should be wider. Second, storm water runoff; one house flooded from Sorghum Mill; now water will be in the Mountain Road culvert, coming down with 4 drainage areas into this pipe. He questions whether this pipe can hold, if the yard at 66 Mountain Road will be looked at to see if it can sustain the water. Third, is the line of sight on Cornwall Avenue Extension, and pulling out of this road is dangerous with many cars, with a sight line of less than 250 feet. Mr. Byrne hopes the new crosswalk and sidewalk are safe for the children going to school.

Matt Dell, 475 Mountain Road, read excerpts from sections of the Hazardous Mitigation Plan update, citing Sections 1.2, 2.4, 2.6, 3.4, 4.4, 5.2, 5.3, 7.3, 7.4, 3.6. Mr. Dell said that FEMA shows the Roaring Brook Flood Plan abutting this development, and increase in runoff can affect adjacent properties. He believes the development is in opposition to many of the regulations sections he cited. Some septic systems will be close to Roaring Brook; POCD summarizes guidelines for changes in the land use; and we should continue to regulate development with protection of any sensitive areas and steep slopes. Mr. Dell said this parcel has extensive slopes. Mr. Dell's statement was submitted and is part of the record.

Joan Smallwood, 469 Mountain Road, commented on submission of prior e-mails with her objections to this project. She read a prepared statement into the record. She is not against all developments, but asked why this project is being undertaken as it poses various problems. Ms. Smallwood said the name Clearview Farm Preserve is inappropriate. This proposed development will not have clear views; is not a farm; and is not preserving anything; and will bring harm to existing homes on Mountain Road. There are two obvious issues, traffic and water/drainage problems which have not been addressed properly. The development will affect financial value of existing homes as the values will drop; it will affect public health; will be a breeding ground for insects and cause viral infections; this will result in use of pesticides. Ms. Smallwood stated that PZC should not approve this project.

Barbara Chartier, 445 Mountain Road, read a prepared statement into the record, which was submitted and will be part of the file. She is opposed to the development due to drainage problems, and increased traffic and problems which will require more police presence in the area.

George Nousiainen, 266 Mountain Road, agreed with the comments stated. He explained what has happened since 1969 on Mountain Road with water and flooding problems. His home is at the end of the pipe; photographs were submitted showing the problems and damages, toppled trees, dried out brook. Mr. Nousiainen said there are wetlands at the south side, and water crossing to the north side has not been mentioned. A big part of his land has wetland, some areas are 10 to 12 feet high.

Steve Levitt, 892 Cornwall Avenue, commented on the 100 year flood plains, the 1999 hurricane (Floyd), 10 inches of water in 3 days, flooding around Mountain Road, flooding in his basement. He does not believe the information submitted by the applicant presenters, as they are hired by someone who wants to make a profit. He questioned the drainage systems being able to handle the water from a 10 inch rain event. Mr. Levitt commented on climate change, whether the HOA of 20 houses can handle a catastrophe, other HOAs not fulfilling their duties and the Town then becoming responsible for clearing and rebuilding a dam. He talked about legal issues, if people can sue over losing a view as Mountain Road is a mountainous area.

Tom Grimshaw, 470 Riverside Drive, has family living on Mountain Road. He said the channel running out of Roaring Brook is 54 feet x 3 feet deep x 2.5 feet. The development is affected by the water tanks of Prospect CT. There is a traffic situation with a left turn out of Cornwall Avenue Extension blocked by 150 feet, and speeds along Mountain Road must be addressed. He has walked the Bens property, seen the dumping area, and said it must be removed before anything is done. Mr. Grimshaw commented on plans SP 1 and SP 2; HOA responsibility for the major retention basin/fencing around it/and safety of children and everything to the right on the property; environmental issues to be addressed; existing water problems; and SP 1 and SP 2 not being up to date with the latest flows, which must be determined before approval. Mr.

Grimshaw said there must be variations to make this project work, it should be redesigned, if built at all.

Peter Wilcox, 415 Mountain Road, has submitted two written statements for the record, and cited some of his comments for the record. Water Drainage, HOA management and maintenance of retention ponds, if an HOA continues to exist. Safety and Traffic, sight line distances, and need for discussion on keeping kids safe. Dump site - lot #21 has a ravine filled with debris including some questionable items, asphalt, concrete, tires, etc. and DEEP is looking into whether this is a brownfield site. This area should not become a playground for young children in the new homes, and there should be prevention of contamination from the water runoff. Environmental impact - many open spaces are preserved for public enjoyment; this area is an open space, a sanctuary for wildlife, an area to be enjoyed by all, to see its beauty, and the whole community will pay a price if anything happens to this space. In his written statement Mr. Wilcox outlined the safeguards which should be in place to protect residents and the town, including a hydrodynamic separator to remove water contaminants.

David Schrumm, 369 Sir Walter Drive, asked about the MAD of 6/29/16 which gives PZC the ability to keep the public hearing open. He said the Commission should walk the site, go down the ravine, see the large watershed in Prospect, dry streams that disappear into the mountain, and the dump site which contains some awful stuff. Mr. Schrumm said the current applicant has drawn a line so as to not connect this piece of land to the development. It could be argued this is a 25 acre subdivision, being cut up into developed pieces and lots, with one piece remaining with the Bens family so it is not in the purview of the PZC.

This is a residential property in a residential zone, and Mr. Todisco said if the application meets the regulations it must be approved. Given the law, he asked if the contention that the water is coming down the mountain is basis for denial.

In response, Mr. Schrumm said "no"...when an application conforms with the regulations it must be approved. The question is whether the plan, as presented, is logical and he suggested the Commissioners walk the property and the ravine. When FEMA redesigns the flood maps, they must let the town know. There will be new flood maps and flood areas enlarged, resulting in some homeowners being required to get expensive flood insurance.

Attorney Fazzone stated there is not much for the applicant to add or present following public comments. He does have response to Ms. Smallwood's comments.

Regarding the MAD of 6/29/16, Mr. Fazzone said the applicant will consent to continuation of the public hearing to May 9, 2016. He will submit a written approval to the Planning Department for continuation of the public hearing.

**5. Zone Text Change Petition
Fazzone Investments & Properties LLC**

**PH 4/25/16
MAD 6/29/16**

**To amend Section 30, Sch. A.
Permitted Uses, Para. 40.a and add
Para 40.b**

Attorney Anthony Fazzino represented the applicant, and James Fazzino (principle) was present for the public hearing. The application seeks to amend Section 30, Sch. A. Para 40.a and add paragraph 40.b to the regulations. This would modify restrictions on restaurants to be located in the Industrial 1 and Industrial 2 zones. Existing regulations permit restaurants as special permits within these zones, separated by a distance of 2,000 feet, which was approved by the PZC in 1979.

A zoning map was submitted, showing 4 signalized intersections. It is proposed that a new restaurant (on RT 10 and north to Johnson Avenues) would not have to observe the 2,000 feet separation, but must be at a signalized intersection as stated in the State traffic regulations. Mr. Fazzino cited the southwesterly corner of West Johnson Avenue & Route 10; the other 3 locations are in the Interchange Zone. The applicant owns property opposite the former site of the Naugatuck Bank. Other locations are Industrial Avenue, and Creamery Road, and West Johnson Avenue where the eye care facility is located. One restaurant is at Fieldstone Court; another is Paul's Restaurant; and another is Cugino's at Blacks Road.

Mr. Fazzino read from the POCD, Page 8, and it is part of the record.

In the industrial areas cited, Mr. Fazzino noted there are many offices and professional businesses, but few service type facilities such as restaurants. As more and more people come to this area more services are needed.

Mr. Fazzino read an excerpt from the Commercial Section of the POCD into the record.

It was stated by Mr. Voelker that I-C zone is not included in the regulation.

There have been discussions between Attorney Fazzino, Mr. Voelker and Mr. Sitko, and there is no attempt to have a strip mall or restaurant shopping center. There would be limitation to a signalized intersection as this would address traffic concerns.

Town Planner Voelker said there is no restaurant cited in the proposal. The restaurant at a signalized intersection came from staff, and if the amendment is approved, this location is recommended.

Mr. Fazzino said a restaurant must have direct access to a signalized intersection.

Regarding Fieldstone Court, Mr. Voelker said a restaurant would need frontage on Route 10, and coming out Fieldstone to the signalized intersection. The individual lot must have access to Highland Ave/Route 10.

Under the zone change statute, Mr. Fazzone said it is limited to one restaurant per intersection. There will not be creation of a strip shopping center.

James Fazzone, principle of Fazzone Investments, said that companies and employees in the north end have a lack of services and facilities.

Traffic computations from the DOT supports a restaurant, and Mr. Fazzone said the traffic is 9500 cars traveling north and 9439 cars traveling south.

Mr. Strollo said any type of restaurant should facilitate some type of truck parking, as Bozzuto's has trailer trucks day and night. He stated there is no place to eat in the north end of town.

James Fazzone noted that people must leave Cheshire for services, i.e. go to Southington restaurants and facilities. The lack of these services has been a detriment for some companies that would come into town.

Town Planner Voelker will craft language for an application that makes sense for everyone.

With 9500 cars a day, Mr. Todisco questioned if this contention supports a restaurant in this area of Town. He commented on the POCD talking about preservation of industrial spaces.

Mr. Fazzone said it adds to the recognition that there are many people/employees at Bozzuto's and on Commerce Court, and in the north end.

In looking at the numbers in the report, Mr. Fazzone said you balance what the potential acreage consumption would be by 1, 2, 3 restaurants, the amount of industrial land up there, and the effect on the overall amount is minimum.

A question was raised by Mr. Veleber about contemplation of pad sites, i.e. a Loew's with a restaurant within its property, or an industrial building that sells pads for a restaurant.

This could work, but Mr. Fazzone said we cannot talk about specifics. This is what the bank site is...a mixed use site.

The public hearing was continued to May 9, 2016.

VI. ADJOURNMENT

MOTION by Mr. Strollo; seconded by Mr. Veleber.

MOVED to adjourn the public hearing at 11:36 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk