

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, JUNE 27, 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; Absent - Jeff Natale

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Mr. Kurtz called the regular meeting to order at 7:43 p.m.

II. ROLL CALL

The clerk called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES - Public Hearing June 13, 2016 and Special Meeting June 13, 2016.

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

MOVED to accept the minutes of the Public Hearing of June 13, 2016 and Special Meeting of June 13, 2016 subject to corrections, deletions, additions.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

VII. UNFINISHED BUSINESS

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| 1. 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 |
| | PH 5/9/16 |
| | MAD 7/13/16 |

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| 2. Special Permit Application
<u>Clearview Farm Preserve LLC</u>
947 Cornwall Avenue
Rear Lot Access for 3 lots | PH 2/22/16
PH 3/14/16
PH 3/28/16
PH 4/25/16
PH 5/9/16
MAD 7/13/16 |
| 3. Subdivision Application
<u>Clearview Farm Preserve LLC</u>
947 Cornwall Avenue
21 lots | PH 2/22/16
PH 3/14/16
PH 3/28/16
PH 4/25/16
PH 5/9/16
MAD 7/13/16 |

Mr. Veleber was recused from the BFAM applications; Mr. Fischer was the alternate.

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| 4. Waiver Request
Special Permit Application
<u>BFAM Investments LLC</u>
129 Mountain Brook Circle
Waiver of Section 5.5B, 15 | PH 5/23/16
PH 6/13/16
PH 6/27/16
MAD 8/31/16 |
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MOTION by Mr. Dawson; seconded by Mr. Stollo.

MOVED that the Cheshire Planning and Zoning Commission finds that the applicant has satisfied the conditions set forth in Section 11.1 of the Cheshire Subdivision Regulations, and hereby grants the waiver for the grade of the rear lot access at 129 Mountain Brook Circle. The Commission also takes note that this access was originally approved prior to the adoption of the grade restriction set forth within Section 5.5B.15 of the Cheshire Subdivision Regulations.

Discussion

Mr. Stollo thanked the applicant for working with the Cheshire Fire Department (CFD) for resolution of the issues.

Mr. Todisco stated it is important to note the applicant has taken two steps in terms of making the house safe - a sprinkler system and monitored fire alarm system. If there was a fire there would be water in this house quickly. After considering the testimony and the CFD report, Mr. Todisco said the application should be approved. Section 11-1-2 of the variance section talks about public safety and this plan will satisfy this section.

Stating he has had difficulty with this application, and in fairness to the applicant, Mr. Kardaras would have been more satisfied if CFD had something besides they are taking all reasonable precautions. He will vote in favor of the application.

Mr. Gaudio said he has reservations about this application which he expressed earlier, and believes there is still a public safety issue.

Mr. Linder agreed with Mr. Gaudio, noting there are other public safety issues than just fire, i.e. ambulance access to the property. He will vote against the waiver application.

Chairman Kurtz stated his satisfaction with the CFD letter, and said he would vote in favor of the waiver request.

VOTE The motion passed 7-0-2; Mr. Gaudio and Mr. Linder opposed.

5. Special Permit Application	PH 5/23/16
<u>BFAM Investments LLC</u>	PH 6/13/16
129 Mountain Brook Circle	PH 6/27/16
Rear Lot Access Way	MAD 8/31/16

MOVED by Mr. Dawson; seconded by Mr. Strollo.

MOVED that the Planning and Zoning Commission finds that the proposed rear lot access at 129 Mountain Brook Circle is consistent with the requirements of the Cheshire Subdivision Regulations, Section 5.5B, 15 notwithstanding, and hereby approves this application conditioned upon the following:

1. Access way must be constructed in accordance with the Rear Lot Access Way cross section shown on page 132 of the Cheshire Subdivision Regulations. This construction must be verified by a licensed professional Engineer prior to the issuance of any Certificate of Occupancy as required in Section 5.5B, 13 of the Subdivision Regulations.
2. Compliance with comments from the Cheshire Fire Department dated June 16, 2016.
Specifically: a. Provide an NFPA 13-D compliant sprinkler system. The plans for this system will be provided to the Fire Marshal's Office and the Building Official prior to commencing installation.
b. Provide an NFPA compliant fully monitored fire alarm system, including water flow from the sprinkler system.
c. These systems shall be fully functional and inspected by Fire Department Staff prior to the issuance of a Certificate of Occupancy.
3. This approval will expire on July 1, 2021.
4. All conditions are to be listed on the Special Permit form to be recorded in The Land Records.

Discussion

According to Mr. Todisco, it is significant that these stipulations are listed on the form and will be recorded on the land records. This puts the buyer on record about issues and questions related to the property.

Mr. Dawson agreed with Mr. Todisco, and further stated the buyer is the applicant. There is nothing on the record. He will vote for the application in light of the property's difficult history.

VOTE The motion passed 7-0-2; Mr. Gaudio and Mr. Linder opposed.

**CHAIRMAN KURTZ ADJOURNED THE MEETING AT 7:50 P.M.
TO RETURN TO THE PUBLIC HEARING.**

CHAIRMAN KURTZ RECONVENED THE MEETING AT 8:26 P.M.

6. Adoption of the updated Cheshire Plan of Conservation and Development, as amended.

MOTION by Mr. Gaudio; seconded by Mr. Kardaras.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed update to the Cheshire Plan of Conservation and Development is in compliance with the requirements set forth within Section 8-23 of the Connecticut General Statutes and hereby adopts this Plan for the time period of July 1, 2016 until June 30, 2026.

VOTE The motion passed unanimously by those present.

7. TABLED APPLICATIONS

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| <p>a. Special Permit Application
<u>420 South Main Street Condominium Assn.</u>
420 South Main Street
Expand Parking
Tabled for Public Hearing to 7/11/16.</p> | <p>PH 6/13/16
PH 7/11/16
MAD 9/7/16</p> |
| <p>b. Special Permit Application
<u>Cheshire Public Schools</u>
525 South Main Street
Removal and Replacement of the existing
Concession and Bathroom building at the
Stadium field.
Tabled for public hearing to 7/11/16.</p> | <p>PH 7/11/16
MAD 9/7/16</p> |

VIII. NEW BUSINESS

1. **Waiver Request of Section 5.5B.16 of the
Cheshire Subdivision Regulations
Mr. and Mrs. Lentini
571 Cook Hill Road
To allow for an accessory structure within 60 feet
From the property line abutting a front lot.
SET FOR PUBLIC HEARING ON 7/11/16**

2. **Other Planning and Zoning Commission Business**
 - a. **Monthly Zoning Enforcement Officer report.**
The Commissioners reviewed and accepted this report.

IX. ADJOURNMENT

MOTION by Mr. Veleber; seconded by Mr. Kardaras.

MOVED to adjourn the meeting at 8:32 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk