

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

Present

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

Alternates - Jeff Natale.

Absent: Edward Gaudio. Alternates - Jon Fischer and Jim Jinks.

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. NEW BUSINESS

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

- 1. Special Permit Application**
Charles Nicholls
1572 South Main Street
Parking Improvement and Addition
Of new entry element.

PH 11/13/16
MAD 01/18/17

Matthew Dusca, P.E. Milone & MacBroom represented the applicant, Charles Nicholls, Construction Engineer for VCA Cheshire Animal Hospital.

Mr. Dusca displayed the site plan and modest improvements to the property. This is a 6.5 acre site in an R-40 zone (residential district) located on the east side of Route 10. The applicant conducts a non-residential use in the residential zone, and a special permit is required. Abutting neighbors were notified about this application and verification of notification is in the application file. The abutting neighbor to the north is a dentist with a home practice, and to the rear and south are residential homes. There are wetlands on the southern boundary, with some small activities in the upland review area. There is an Inland Wetlands & Watercourses application pending.

The VCA animal hospital has been in Cheshire for many years, has grown over the years, and needs additional parking to accommodate staff and clientele. The proposal before the Commission is for 71 parking spaces, with 38 in the front for clients, and 33 in the rear for staff. VCA proposes a new portico/entry element, and the elevation was submitted with the application. On the west side there will be improvements to the curb side, and a small outside seating area out front with benches for clients and those waiting for pets being treated. The site is served by public water and a new septic system which was installed in the Fall of this year, approved by Chesprocott and is located in the rear area clearing.

Storm water management - the plan is designed for to mitigate peak flows to runoff in accordance with Cheshire's engineering standards, and to mitigate storms 2 to 100 years. The green color on the plans is the storm water management basin. Runoff from the parking areas is routed to the storm water management basin. The front area is not curbed; sheet flow was designed from north south, collected in a swale and routed to the detention pond. The back parking area is curb less; there is a centrally located low point which is collected via catch basin; this is in order to get the runoff from the parking lot to the storm water management basin; it needs to be collected due to the proximity of the wetlands as well as new septic system; the pond sheet flows to the storm management pond. The pond is aligned with an under-drain to insure it drains completely. It takes into account that there is a well drained sand and gravel layer. Soil testing was done on the property as part of the septic repair. It was found there was 2 to 3 feet down of a layer of sand and gravel, a well drained soil, with the septic repair taking advantage of this fact. In terms of the storm water management pond there was incorporation of infiltration in the design to minimize the size of this pond, as well as taking advantage of the well drained underlying soils.

There is an existing unoccupied residential structure located on the northwest corner, which will be demolished as part of the application. The demolition plan was submitted with the application to depict the structures to be removed.

Mr. Linder asked about the characteristics of the new parking lot, and if the area was formerly wooded or a grass area.

According to Mr. Duscaj the rear parking area is clear now. He showed the existing conditions and demolition plans showing the cleared area, fence enclosure, and the canopy for the existing green line and pet relief area.

Without the work already done on the property, Mr. Linder asked whether this was a wooded area.

It was a green area and no trees, and Mr. Duscaj noted the location of the smaller trees, some of the larger maple trees are along the northern border.

With regard to residences near the property line, Mr. Linder asked for the distances from the new proposed parking lot to the current neighbor's house.

This was measured by Mr. Duscay who said it is approximately 150 feet.

Mr. Natale asked for the distance for the property to the east from the parking lot.

This is about 290 feet, the closest property, and Mr. Duscay said there is a residence to the south about 140 feet from the property line.

Mr. Todisco noted the reference to the dentist's office which was stated to be a home and office.

Mr. Duscay said that is correct...it is a home and an office.

On the map, Mr. Strollo asked about the trees being removed with the "x" and the septic system.

The trees will be moved as part of the application, and Mr. Duscay stated the septic system was installed in the Fall.

For the front parking lot, Mr. Veleber asked if it is being expanded or left in place.

This lot will be bigger and Mr. Duscay stated this is because parking is integral to the access drive. It will have 20 feet of standard access way and a dedicated parking lot.

Mr. Lentini asked about the original number of parking spaces for this property.

The rear area is not striped, and Mr. Duscay said there were 16 original front area parking spaces.

Charles Nicholls, VCA Construction Engineer, stated that the application is expansion of the parking lots, and pointed out on the plans where it would be located. There are 45 existing parking spaces, with vehicles in and out, and they want to make the travel path more clear.

For the original approval of this facility, Mr. Dawson asked how many spots there were.

Town Planner Voelker stated it is 40 to 45 spaces, and this is what was historically approved.

The site has 16 spaces in front and 20 striped in the rear, and Mr. Duscay said cars park in available spaces due to limited space in the rear.

Mr. Natale asked about the difference between the work that was done and before the work was done.

The Commission was told by Mr. Nicholls that in the rear area they are under construction for interior renovation of the old building. When the construction company

started work on the rear grass area...an exercise yard...he told them to clear it out and lay gravel. It is a striped parking area.

Mr. Voelker said the area is striped...and is a parking area.

According to Mr. Nicholls, he made the decision to do the work in order to get construction vehicles and dumpsters off the parking lot. They took out the exercise yard, and put down gravel and striped the area. Mr. Nicholls takes responsibility for doing this and apologized for his error.

Regarding the difference of the property now and before, Mr. Nicholls said there was an "L" shaped barn and two other small decaying structures, and were a potential liability. They were taken down, and one of those barns blocked Dr. Greenspan's view of the animal hospital site. Three sapling trees were taken down, and the rest of the area was grass.

Mr. Nicholls reported that he met with Dr. Greenspan, saw his perspective about the proposals for the hospital property. There was an agreement with a prior property owner about planting pine trees; they have grown high; and lighting on the building was aggressive and has been turned off. The barn and three saplings have been taken down with a permit about a month ago.

Regarding the 100 year old barns, Mr. Linder asked if they were of a historical nature, and if there was consideration to move them.

The barns were decayed, a pile of wood, a hazard and unable to be occupied, and Mr. Nicholls said they had to be demolished. There is still a 12' x 12' cinder/concrete building on the site, In the front of the property is a two-story unoccupied house to be demolished. The front of the building will have refinishing the portico, paint, landscaping, sidewalks and sitting area. The rear building will not be expanded, and was expanded 20 years ago. The back expansion is an old kennel. VCA is a hospital chain; Cheshire is a specialty hospital with a general practice; and the boarding component is no longer required. The hospital does medical boarding, and some overnight boarding for clients. The exercise yards will not have a kennel outside, and the hospital policy is single pet, 2 leashes, one at a time; there are relief yards; there is no play time in the yards. The fenced in area is currently robust and dropping down to 1/6th of current size. Once the fence is approved it will be 6 feet high, and will go to the back.

With expansion of both parking lots to the north, Mr. Veleber asked about the lighting situation and its impact on the neighbor to the north.

Mr. Duscaj said there were lights onto the cornice of the building and they have been turned off. The lighting on the site plan shows new pole mounted lighting, full cutoff fixture, not nuisance lighting or glow. He submitted a photometric plan for the file

prepared by Apex Lighting Solutions. There will be a total of 18 lights for the front and back parking lots.

With the pine trees easily remedied Mr. Natale asked about plans to help the neighbor after removal of the barn.

Mr. Nicholls talked with Dr. Greenspan, walked his property, and he has some ideas about evergreens and plantings to screen his property. There are no specific plans in place now.

Mr. Dawson asked about plantings being used that are of short height.

There are other species of pine trees for buffering, and Mr. Nicholls said some can grow to about 15 feet high.

Chairman Kurtz noted he does not see this information on any of the plans.

Mr. Nicholls said this is the first time he has heard about concerns about visibility, and at the next meeting will have more specific plans.

PUBLIC COMMENTS AND QUESTIONS

Dr. Jack Greenspan, 1538 South Main Street, informed the Commission that he has a dental practice and home at this address, adjacent to the applicant's property. He submitted photographs taken from his property in the last two weeks. His home is 25 feet higher than the vet hospital, and looking out his living room window, back door, or on the driveways sloping down, at the area being cleared for the parking area, he was unaware they would be expanding the area. The barn was there when the hospital was built in 1955, and it was a total wreck.

Dr. Greenspan talked about his concerns. On the plans, he pointed out the property line, his property line, his house which is 30 feet from the property line to the proposed parking area. During installation of the septic system he heard construction and truck noises, with all the foliage along and to the property line completely removed. The trees there provided some visual barrier which protected him from the vet hospital. He has 5.3 acres, has been in his home since 1977, and always had visual protection until the hospital expanded. Some evergreens were put in, they grew, and now he can see all the way to the hospital. The facility has changed hands several times, and he has tried to get visual barriers, but was unable to do that. He contacted the people doing the construction, and asked what would be done to protect his property from visual pollution of a parking lot. The zoning is residential; the vet hospital was approved in the late 1970's; and he did not object provided he had a visual barrier, which was done with a handshake.

In his comments, Dr. Greenspan said he was told about an 8 foot fence, with no talk about trees, the barn coming down, and erection of the 8 foot fence all around. Tall shrubs, 16 feet tall are good, but take years to grow. Dr. Greenspan requested the

Commission permit a barrier, some sort of fencing and trees to be installed as he does not want to see activity at the vet hospital. A green barrier is preferred (over a fence) to protect him from visual and auditory pollution, and without this barrier he will see a decrease in his property value which is a great concern to him. The front area was not in the original discussion, and this will also be a visual problem for him...with people coming and going and seeing a commercial parking lot in a residential zone. When the vet hospital was expanded in 1977, Dr. Greenspan was assured he would be protected from exposure, but he does not see that protection now. Lighting from cars does not have a significant impact on him as the hospital business is mostly in the day time.

For the November 28th meeting, Mr. Voelker said the application will be revised and available for Dr. Greenspan.

The only other area of concern for Dr. Greenspan is the access way which is partly on his and the vet property. He wants to insure there is no interference with this access way.

Stating this is a property issue between the property owners, Mr. Voelker noted that the Commission has nothing to do with it.

Dr. Greenspan confirmed that the photographs he submitted for the file are taken from his driveway. On these photos he pointed out his house and the areas cleared by the applicant to date, and areas where the fencing would be placed. From his driveway he can see the area for pets, and a solid 8 foot fence would not block this view.

Mr. Duscaj measured out this area and stated the area was 300 feet in length.

The Commissioners were given permission by Mr. Nicholls to visit the vet hospital site.

It was suggested by Mr. Dawson that both parties get together and solve some of the cited problems.

Mr. Nicholls stated he has photographs prior to the work that was done. Regarding a fence there was not talk about it, and he would fence in the area where the activity will happen within the compound. He thinks some amount of fencing makes sense and there is a lot of grass to be put in for Dr. Greenspan to be satisfied.

The vet hospital staff parking and his parking was pointed out by Dr. Greenspan on the plans, and he is at his office three days a week. He also pointed out where the fencing is needed.

Mr. Natale asked if the work is ongoing or has been stopped.

In reply, Mr. Nicholls said grass was put in the back and no exterior work is going on.

It was confirmed by Mr. Voelker that no exterior work is going on.

Chairman Kurtz stated this public hearing would be continued to November 28th.

Mr. Nicholls explained he could not attend the November 28th meeting, and asked for the application to be continued to January 2017.

In that regard, Mr. Voelker will check the statute for pushing the application to January 2017. He would need this extension request, in writing, from the applicant.

Mr. Duscaj and Mr. Nicholls agreed to provide a written request for extension of this public hearing to January 2017.

THE PUBLIC HEARING WAS CONTINUED...TO A DATE TO BE DETERMINED.

VI. ADJOURNMENT

MOTION by Mr. Strollo; seconded by Mr. Dawson.

MOVED to adjourn the public hearing at 8:33 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk