

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, JANUARY 9, 2017 AT 7:30 P.M. IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

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

Alternates - Jeff Natale, Jon Fischer

Absent: Sean Stollo, Edward Gaudio, Vincent Lentini, and Alternate 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. BUSINESS**

Commissioner Todisco was recused from applications #1 and #2.

Secretary Veleber read the call of hearing for each application.

Commissioner Dawson informed the Chairman that he has familiarized himself with the record in order to hear and take action on the applications.

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|----|---|--------------------|
| 1. | <b>Waiver Request</b>                     | <b>PH 12/12/16</b> |
|    | <b><u>Whitney Watts</u></b>               | <b>PH 1/9/17</b>   |
|    | <b>Tamarack Road</b>                      | <b>MAD 3/15/17</b> |
|    | <b>Requesting waiver of Section 5.5.1</b> |                    |
|    | <b>The Subdivision Regulations</b>        |                    |
| 2. | <b>Resubdivision Application</b>          | <b>PH 12/12/16</b> |
|    | <b><u>Whitney Watts</u></b>               | <b>PH 1/9/17</b>   |
|    | <b>Tamarack Road</b>                      | <b>MAD 3/15/17</b> |
|    | <b>To modify the Town R.O.W.</b>          |                    |

Ryan McEvoy, P.E. Milone and MacBroom, represented the applicant, Whitney Watts.

In his opening statement, Mr. McEvoy noted there were only six (6) potential Commissioners available for hearing and voting on the applications, and 3/4th majority of the Commission is required for a waiver request requirement.

Mr. McEvoy stated the applicant requests an extension for the applications and a formal letter will be submitted to the Planning Department for the extension. If the public hearing is closed the Commission would vote on the applications at the subsequent meeting.

Mr. McEvoy discussed the testimony from neighbors on their concerns of the application at the prior public hearing. He cited the three major points raised and the applicant's responses.

1. This application is for a driveway to Tamarack Road which would open the lot to future development and is masking another intent.

Mr. McEvoy stated the nature of the application is a driveway to Tamarack Road; there is no opportunity to afford the property owners to do anything other than what is being asked for...a driveway connected to the end of Tamarack Road.

2. On a small portion of the property, Mr. Watts has an area dedicated to a Christmas Tree business, with recently planted small trees.

Mr. McEvoy stated Mr. Watts does not know future plans for the tree farm. Any activity associated with the tree business, access, harvesting, selling of trees would be through Wallingford Road, not Tamarack Road.

3. Construction vehicles are on the Watts property and their activity.

Mr. McEvoy stated this is something which Mr. Watts is not allowed to do in a residential zone; this activity will not continue regardless of the outcome of the subject applications.

It was noted by Mr. McEvoy that environmental issues were also raised due to the build-out condition of the property. IWW reviewed the application, and issued a statement the application was not needed, specifically, for the driveway.

Other items were reiterated by Mr. McEvoy.

Waiver Request - there are 25 lots served by Tudor Drive, Tamarack Road and Windsor Court...essentially cul de sacs or dead end streets. The maximum number of lots allowed is 16 in the R-80 zone. Mr. McEvoy said the purpose of this regulation is not to close off a development for traffic reasons or neighborhood convenience...but is a risk assessment as to how many lots would be considered a maximum in the event of a road closure or an emergency event requiring services.

The Watts property currently has access to Wallingford Road; he will maintain this access; it is not subject to the number of lots on a dead end street; and in a sense he has a corner lot, without frontage. The example of safety concerns with Tamarack Road being closed off in an emergency situation, making it temporarily impassable, was cited by Mr. McEvoy, who said Mr. Watts has the ability to get out of his property regardless of what happens with the cul de sac. There are no safety concerns as there would be if the applicant was seeking sole access off Tamarack Road.

The Watts driveway is 2,000 feet long, and Mr. McEvoy said the rendering shows a portion of the Watts lot. He gave Commissioners a map showing the extent of the driveway with access to Wallingford Road (gray colored) and Tamarack Road cul de sac. He said access to Tamarack Road would improve the access to the Watts home and emergency access for the Watts family.

Mr. McEvoy read the comments from the Cheshire Fire Department (Chief Casner) into the record. The CFD letter was made part of the record at the December public hearing.

According to Mr. McEvoy the opinion of the Fire Chief and Fire Marshal is heavily considered in PZC deliberations. He said the applicant's requests for a waiver are fairly logical and reasonable.

Resubdivision Application - Mr. McEvoy stated this request is made due to the approval for the Platts Knoll Subdivision approval in 1987-1988, with no suggestion or discussion about the Watts parcel, even though it was the right-of-way. This subdivision is silent on providing access to the Watts property. With the approval, there would be a temporary cul de sac for Tamarack Road, 50 feet strip, dedicated to the Watts property.

Mr. Linder asked about the Watts property having an easement from the Moore property to access Wallingford Road, and noted the map shows the Moore property also enters from the Watts property.

The Watts easement is out through the front lot to Wallingford Road (address unknown), and Mr. McEvoy said the Moore property has some construction on the Watts piece. The Moore rights do not fall onto the Watts property. There is a 50 foot formal access easement agreement in place for Moore and Watts to go through the front property. On the map, Mr. McEvoy pointed out the area being discussed. The Moore's are limited to using a small section entrance to the Watts property; there are no rights to go through the Watts property and into the subdivision; there are only rights to Wallingford Road.

The issue of the fire hydrant location on the Tamarack Road temporary cul de sac was raised by Mr. Veleber.

Mr. McEvoy said it is just off the map...it is within 1000 feet of the Watts house. There is emergency access for fire trucks and ambulances.

Mr. Veleber said the CFD can still access the hydrant without a right-of-way and run a hose from the hydrant to the property.

According to Mr. McEvoy this area is wide open, and has some dead trees and other vegetation.

Mr. Linder said the proposed driveway is connecting from the cul de sac to the Watts existing driveway, and asked if it would be a gravel driveway and preparation of the land.

Stating it would be a gravel driveway, Mr. McEvoy said it would be standard page apron coming off the road. The land is low, about 2 to 3 foot drop over 40 feet, with little preparation of the land required.

#### PUBLIC COMMENTS AND QUESTIONS

Joseph Moruzzi, 636 Tudor Drive, informed the Commission he and his wife submitted a letter in opposition to the Watts applications. Mr. Moruzzi commented on it being amazing that the applications are even being discussed and going through this process. He said the Watts have a 2,000 foot long driveway; it was approved by the Town; signed off by the Fire Marshal; he got a certification of occupancy (c/o); decided to live on the property. Mr. Moruzzi does not understand the reason the applications are being done. He said the temporary cul de sac is for future development, and he does not consider a one family house a future development, and Mr. Watts should live where he is now, on a private driveway, with no reasoning for a cul de sac for multiple homes. He noted there is a fire hydrant at the end of Tamarack Road for fire and emergency use, with no problems for access off Wallingford Road. If there is future development of 30 houses, the neighbors will fight it at that time.

Mr. Kardaras asked about the impact to the Moruzzi property by opening the cul de sac.

With regard to the impact of opening up the cul de sac, Mr. Moruzzi said he owns this land...and there is no question about this fact. It is what the PZC dictated the cul de sac to be...temporary. Breaking open the cul de sac would be justified by multi houses. The current situation for the Watts is not life threatening; it is one access bought by the Watts who live there; one house does not justify a development versus multiple houses; and Watts got a c/o, the fire marshal signed off on it, and there is no reason to cut the cul de sac.

It was stated by Mr. McEvoy that the proposal is a driveway on the town right-of-way property, 50 feet, and it is not at the end of the Moruzzi driveway.

Mr. Moruzzi reiterated that this is his property, it is on his site plan, and said his land is all around the cul de sac.

Mr. Linder cited the misconception of Mr. Moruzzi about the Watts property and situation. He pointed out that with the original Watts house being built there was no

PZC approval, never came before PZC or the fire department. The driveway situation was totally Mr. Watts' decision; nothing was signed off by the Town because the property was an existing and large building lot. The Town did not sign off on the original proposal.

Town Planner Voelker said this was a lot of record, and sometimes they conform to regulations, sometimes they do not. There was no Town agency with ability to do anything with respect to the driveway...it was a 50 foot right-of-way with the ability for Watts to use it and build one house on the property.

With respect to the temporary cul de sac, Mr. Voelker stated the Commission did not dictate this; it was a proposal from a developer when Tamarack Road was laid out; and approved by the PZC, not dictated. Everything is in accordance with the regulations in place at that time.

Secretary Veleber read letters from Joseph and Lynn Moruzzi and Jeff and Lisa Musto into the record... both in opposition to the approval of the applications.

Mr. McEvoy stated he would submit a formal written letter requesting the public hearing be continued to January 23, 2017.

THE PUBLIC HEARINGS WERE CONTINUED TO JANUARY 23, 2017.

**3. Special Permit Application**  
**Christopher Germosen**  
**408 Highland Avenue**  
**Massage Therapist**

**PH 1/9/17**  
**MAD 3/15/17**

Christopher Germosen and Marlyn Dejesus, applicants, presented their application to the Commission.

Ms. Dejesus is a licensed massage therapist, has worked in Cheshire for a few years, and she said they want to open a massage therapy business at 408 Highland Avenue. She would be the lead therapist; there would be another licensed therapist employed in the business; clients would be by appointment only, and 4 to 6 per day. The location would be 858 square feet for the business operations.

Secretary Veleber read CFD comments dated January 9, 2017 into the record.

THE PUBLIC HEARING WAS CLOSED.

## **VI. ADJOURNMENT**

MOTION by Mr. Kardaras; seconded by Mr. Dawson.

MOVED to adjourn the public hearing at 8:10 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk