

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION, PLAN OF CONSERVATION AND DEVELOPMENT, HELD ON WEDNESDAY, FEBRUARY 8, 2017, AT 7:30 P.M. IN ROOM 210, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz, Gil Linder, John Kardaras, Louis Todisco, David Veleber.

Staff: William Voelker, Town Planner.

Absent: Sean Strollo, S. Woody Dawson, Vincent Lentini, Edward Gaudio;

Alternate members Jeff Natale, Jon Fischer, Jim Jinks.

I. CALL TO ORDER

Chairman Kurtz called the meeting to order at 7:31 p.m.

II. ROLL CALL

Mr. Voelker 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, OCTOBER 17, 2016 AND NOVEMBER 9, 2016.

VI. REVIEW OF PROPOSED AMENDMENT TO INDUSTRIAL REGULATIONS

Mr. Voelker advised that he had a staff report on the proposed amendments to the zoning regulations. He gave Commissioners a copy of the proposed Amendment to Section 32, Schedule B, and a table from Section 32, which shows a reduction in minimum lot size to 40,000 square feet within the I-2 zone (same as I-1 zone). The minimum coverage was put at 35%, as recommended by POCD. Also submitted was a draft amendment for a new Section 35, Industrial Zone Design Considerations. Current regulations end at Section 34, and pick up again at Section 40.

Copies of the documents are attached to these minutes.

Section 35 Draft Amendment - Mr. Voelker read the amendment into the record.

Section 35.1 Building Coverage and Stormwater Management. The building coverage in the industrial zones is increased to 35%. Mr. Voelker read this new section into the record. Definitions were included.

Mr. Kurtz asked about someone wanting to build at 25%, and if they would have to do a low impact development plan.

According to Mr. Voelker, the answer is "yes"...because it says any proposed site plans for expansion or redevelopment. It is good practice to do this anyway. His opinion is that this is something the town wants in its regulations. The reference to 35% could be taken out...and the section would read - **"Any proposed site plans or special permit plans for expansion and/or new development shall include a Low Impact Development Plan."**

Mr. Todisco asked how onerous is a low impact development plan.

In reply, Mr. Voelker referred to the definition of "Low Impact Development (LID)" which was read into the record. He read items listed in Section 35.1 (1, 2, and 3 into the record), and he noted in #2 that some of the sites could be wetlands/aquifer protection areas. It is in keeping with good storm water management practice. The hydrology is how much water is coming off the site, at what rates, are there natural features on the site that contribute to that, and if those natural features are going to be compromised requiring the applicant to come up with an alternative.

Mr. Veleber asked if "Low Impact Development" is a term of art, and people will know what it means if an engineer says it.

Mr. Voelker said "yes" and people will know what it means. LID is understood in the profession. In the proposed Section 35.1 it is framed there.

A question was asked by Mr. Kardaras about the town's policy that the state of the art changes from time to time.

Stating "yes" Mr. Voelker said that is correct.

Mr. Todisco asked if this is something other towns do not have, and if it makes Cheshire more difficult for development of land with this low impact development.

Stating it is easy, and understanding the question, Mr. Voelker said this does not provide any disincentive to development. It flags where there should be a closer look taken.

Mr. Veleber asked if this would be different from industrial and seen in commercial zones as well.

Saying "yes" Mr. Voelker said it is unlikely there will be many commercial projects of scale, and even in the industrial zone there are areas where there can be bigger buildings. His advice to the Commission is to see how this works before it is applied. It is included because of being a specific recommendation in the POCD. The State Plan talked about limiting coverage to 10% in watershed areas. The difficulty in Cheshire is that a substantial portions of our industrial properties are in aquifer protection and watershed areas. In the POCD there is a statement to work with the Regional Water

Authority. Since coverage will be increased this is something that should be more specific because of the location of our industrial zones.

This is important, and Mr. Kurtz said this is due to opening up the east side of Route 10 which was a bigger area before, and has the potential for more coverage on this side than before.

Mr. Voelker commented on the north end where the W.S. project was to be located, and said it is common practice, and they had good storm water management, lots of underground detention, retaining a lot of water on site. "Detention" is holding something back and release it over time. "Retention" is where you hold it and it does not leave the site.

As noted in #3 of Section 35.1, Mr. Voelker said that from time to time the CT DEEP 2004 manual will be amended. Cheshire must have compliance confirmed by the Town Engineer.

Section 35.2 Access Management Requirements - reducing the lot coverage in the I-2 zone was to require an Access Management Plan. Mr. Voelker said that the way he wrote this, it requires such a plan for both industrial districts.

Mr. Voelker read Section 35.2 into the record. The reason for opening this to both districts is because they are right next to each other, across the street from each other. If someone is coming in with a 5 acre development on an I-1 property, 40,000 square feet, there could be five (5) curb cuts on Highland Avenue. Across the street is I-2, and it did not seem from an equity standpoint to make the I-2 developer giving access management on one side of the street, and I-1 not having it on the other side. Doing it for both districts is equitable; it is the result we are looking in terms of access management, especially along the principle corridor. Mr. Voelker recommends the Commission propose it this way.

A question was posed by Mr. Todisco who asked why anyone would object to an access management plan.

In response, Mr. Voelker said "rationally, no". The only objection people have is spending money to do it. In terms of what it does for their use of the property, there should be no objections. Mr. Voelker noted that this is the main transportation corridor and at times of day and locations where there is significant north/south problems. From a public safety standpoint and police and fire purposes, this is not an overwhelming requirement. It is a standard stating what the town wants done, and tells the developer we want to minimize the number of driveways, left hand turns, in and out on Highland Avenue.

Mr. Veleber asked about someone wanting to subdivide their property and PZC wanting to see a site plan.

Mr. Voelker said a site plan has to be shown with a subdivision...it may not be the one to be constructed. If there were 8 acres of industrial land, and someone wanted to create three building lots out of it, the reason for the site plan requirement is the Commission and staff can judge the developability of this land before creation of the building lots. This is the same way with a residential subdivision, showing a rectangle of every lot, it is not necessarily the way the house will be built. They are showing that the land is developable, and being approved for building purposes. By statute, a subdivision is creation of a lot for building purposes, and the Commission has the right to see that it is buildable property. A site plan being shown to the Commission may have a 10,000 sq.ft. industrial building on the property, but it may not be what is built over time. The initial subdivision will show the location of buildings, how they will be accessed. The developers know they will have to show, generally, an access management strategy. It does not mean they will not come back in time to amend it because of a user who needs to use different portions of the site, have to shift driveways, change the parking layout etc.

As the Commission goes through the process, Mr. Veleber asked if there would be separate approval, looking at motions, voting on a subdivision and then the access management plan...or is it wrapped into the approval.

Mr. Voelker said it is wrapped into the approval. It is another standard for the Commission to judge the viability of the project.

A few years ago, Mr. Kurtz explained he wanted to put in an extra driveway on an I-1 site, and had to get approval from the State, not the Town. He asked what the State says in all of this.

On a State highway, Mr. Voelker said there is still approval needed from the State. With a review and possible questions, Mr. Voelker said they can be seen...i.e. curb that is horizontal or vertical...and the State is involved in the discussions. Sometimes, the applicant goes to the State, but the State will not give approval until local approval is received. The State can override the Town. Mr. Voelker pointed out this is not just location of curb cuts; it is also internal circulation that is involved...joint use of parking for multiple users.

According to Mr. Voelker the section is written generally enough for the Commission to say that the access management plan will work...and on a given site there could be good reason that this is what the Commission wants. There must be a rationale strategy for development of the property that minimizes curb cuts.

Mr. Veleber said the applicant can only do this within their own project, and cannot be forced to work out a deal with a neighbor to come out a certain way.

This cannot be done, and Mr. Voelker said he has heard this before in other towns. The town cannot take away anyone's rights, and this is not even suggested.

Mr. Kardaras said the exception could be two adjoining property owners coming in with site plans at the same time.

This is usually known, and Mr. Voelker said they are asked to work it out. The standard is not perfect, but in exchange there are smaller lots, greater coverage...and the trade-off is a storm water management plan and access management plan that will work. He does not see these as disincentives.

Mr. Voelker said his recommendation to the Commission is to make amendments to the language, approved by consensus of those present, and send them to the full Commission for public hearing. They will also be sent out to regional agencies.

The POCD review by the Commission is being done in sections. Mr. Voelker said the West Main Street information will take more time. He asked Commissioners to decide which section they want to review at the next meeting. West Main Street has been started, and should be completed, to be followed by "cluster".

On the dimensional requirements, maximum height of structure, Mr. Veleber asked about the asterisk, and what it means.

Mr. Voelker said this is about increasing the height of the additional setback. If its over 65 feet there is an additional setback...and it was used as a model for the Bozzuto property. The only change is the two coverages, I-1 and I-2, at 35%, and I-2 is 40,000 sq. ft. instead of 120,000 sq. ft. and no setbacks have been changed.

Mr. Veleber asked for approval of the minutes.

V. ACCEPTANCE OF MINUTES, OCTOBER 17, 2016 AND
NOVEMBER 9, 2016.

MOTION by Mr. Veleber; seconded by Mr. Linder.

MOVED that the minutes of October 17, 2016 and November 9, 2016 be approved subject to corrections, deletions, additions.

VOTE The motion passed unanimously by those present.

The consensus of Commissioners present was to forward the amended Section 35 Industrial Zone Design Considerations, Section 35.1 Building Coverage and Stormwater Management, and Section 35.2 Access Management Requirements to the full Commission for review and approval, and set a public hearing in March 2017.

VII. ADJOURNMENT

MOTION by Mr. Kardaras; seconded by Mr. Linder.

MOVED to adjourn the meeting at 8:02 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk
(transcribed from tape)