

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON WEDNESDAY, FEBRUARY 15, 2017 AT 7:30 P.M. IN ROOM 207/209 TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

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

Alternates - Jeff Natale and Jim Jinks.

Absent: Sean Stollo, Edward Gaudio, John Kardaras; Alternate Jon Fisher.

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

Secretary Veleber read the call of hearing for each application.

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| 1. Special Permit Application | PH 11/14/16 |
| <u>Charles Nicholls</u> | PH 1/23/17 |
| 1572 South Main Street | PH 2/15/17 |
| Parking improvement and addition | MAD 4/21/17 |
| Of new entry element | |

Town Planner Voelker read comments from the Cheshire Fire Department dated February 15, 2017 into the record.

Mr. Voelker informed the Commission that the Inland Wetlands & Watercourses Commission approved this application at its meeting on February 7, 2017.

Matthew Duscay, P.E. Milone & MacBroom represented the applicant. In response to comments from the public and Commission at the November 14, 2016 meeting, Mr. Duscay advised that revised plans have been submitted to address these comments.

A summary prepared by Mr. Duscay was submitted to the Commission and he highlighted the comments.

1. The front parking area has been revised with removal of thirteen (13) parking spaces and parking is reduced to 25 parking spaces. This was done to facilitate saving the large Maple Tree on the front of the property, a 36 inch diameter tree, with substantial root mass.
2. To make up for these lost spaces, seven (7) existing spaces will remain; total parking has been reduced from 71 to 65 spaces.
3. Sixteen (16) of the eighteen (18) proposed light pole/fixtures have been removed from the plan. Mr. Duscay pointed this out on the plans. The applicant does intend to install some bollards along the front sidewalk, and the intent is to provide some lighting for pedestrian access to the building.
4. The exterior yard area fencing has been changed from a 4 foot chain link fence to a 6-foot vinyl fence. He noted, on the original survey, that the exercise yard fencing is larger than what is proposed on the current plans.
5. There is a concrete pad added for the propane tanks along with an arborvitae 6 foot tall buffer. They grow quickly and will provide good buffering of this area.

Mr. Voelker stated the original plan had White Pines in this area, and following a meeting with the owner and next door neighbor, it was suggested to use a broad leaf evergreen, and an arborvitae is better for screening.

Mr. Duscay reported there was a meeting with the neighbor to the north for a review of the revised plans, revisions were made with input on what the neighbor wanted to see in terms of plantings. On the plans, Mr. Duscay pointed out the 6 foot arborvitae plantings, which are intended to buffer the adjoining property owner. He said the applicant had gone ahead and removed the dilapidated barn located about 14 feet off the property line. With removal of this barn it opened up the view shed to the abutting property. The arborvitae plantings will create a landscape buffer between the properties.

6. Snow storage areas have been added to the plan for both the front and rear parking areas. The locations of plowed snow was a concern of the abutting property owner, and the revised plans delineate the snow storage areas for the property. This insures snow melt will remain on the subject property.
7. The access drive is now 20 feet; it is paved to the building; but there is a four (4) foot overhang from that building. Usable pavement is 20 feet; to establish this there is some minor strip lighting on the south side.

Mr. Duscay restated there was a meeting with Dr. Greenspan, the north abutting property owner and Town Planner Voelker to review the revised plans. What has been stated by Mr. Duscay summarizes the significant changes made to the plans.

Mr. Voelker stated the fire department is satisfied with the revised plans and the parking spaces and their location.

In response to a question about a "bollard", Mr. Duscay explained what a bollard is. He said it is a ground mounted structure designed to protect the building, it meets a safety requirement in terms of impact, sometimes they have plastic sheaving around it for decorative purposes. Some bollards have lights on them to provide pedestrian lighting walking from a parking area.

Mr. Todisco asked if these lights make up for those removed from the rear parking lot.

This is a residential zone and Mr. Duscay said they tried to keep to the minimum but still provide ample lighting. The applicant felt one light in that location would provide ample lighting. Given that most of the rear parking is used by employees they were comfortable with removal of the 16 light locations. For the seven (7) parking spots, Mr. Duscay is unsure if there is mounted lighting in this location. This is currently utilized as a lunch area, and he does not recall seeing any building mounted lighting.

There is nothing shown on the plans and Mr. Voelker said if they want to put them there they must be full cutoff lights.

Mr. Dawson said some lights were proposed but taken away.

The Commission was told by Mr. Duscay that no work has been done on the back of the site since November. Interior building renovations are being done; there are some construction dumpsters in the back; but no work has been performed in terms of construction or work area.

PUBLIC QUESTIONS OR COMMENTS

Nora Caliguri, 10 Mulberry Court, asked about discussions with adjoining neighbor to the hospital property, and why she was never notified.

Mr. Voelker advised that discussion was held during a staff meeting, the doctor wanted to come in, and no one was excluded. He explained that a public hearing is listed in the newspaper; and a staff meeting happens in Town Hall during normal business hours and does not involve the Commission. It was meant to be a courtesy to someone who showed up at the last hearing. Mr. Voelker said the doctor was notified because he is a direct abutter, it is a non-residential use in a residential zone, and only abutters are directly notified. The public hearing appears in the *Cheshire Herald* as a legal notice.

Ms. Caliguri asked if an abutter means two properties go up against each other.

Mr. Voelker said that was correct.

Ms. Caliguri said her property goes up against the subject property, and pointed out her property line on the plans. She said a courtesy was given to the doctor; she did not get

notified anything was going on with the property; she has lived in her house 30 years; and asked about Wetlands approval when the property abuts against the wetlands...and if this was correct.

Mr. Voelker explained there are wetlands on the property, and the application was approved by IWW.

Ms. Caliguri said there are lights all over the property, and once trees were taken down she has her whole back property affected by blinding lights that do not shut on and off. On the plans she pointed out the lights. She asked what can be done about the lights; can there be something protective done; and once trees came down she was affected by these lights. Ms. Caliguri pointed out the area where trees were located and then wiped out, and her bedroom which is impacted by the lights. She asked how many people the hospital building can hold at one time.

Mr. Voelker said this is a Fire Marshal issue.

Ms. Caliguri commented on 71 parking spaces for a vet hospital as being a lot of parking spots...this means a minimum of 71 people in the building at one time. She was never notified about trees coming down, which happened in late summer.

According to Mr. Duscay trees came down as part of the second prepare done on the property. The applicant spoke with IWW to insure no wetlands approval was needed. He pointed out the prior septic system on the property which was failing, and the new septic system location installed in the late summer/early fall, which was when the clearing occurred. No new lights were installed on the property, and lighting that is there has been on site historically.

When the tree buffer was wiped out, Ms. Caliguri said it is like a lighted ball field.

The Commission was told by Mr. Duscay that the vet hospital is a 24 hour emergency facility.

Mr. Kurtz questioned if the Commission can ask for full cut off lighting on the site.

In reply, Mr. Voelker said it is a matter of what representations the applicant will make in terms of lighting. The trees were cut down; the lights were already there; and there is nothing to be done about this. Newly installed lighting must be cutoff...there is not much leverage on things already there. No matter what the applicant did, he could cut down the trees, and the lights were already there. If new lights were to be put up they would have to be cutoff lights...but they are not asking for new lights. As a courtesy to the neighbors the applicant could make changes to the lights.

Mr. Duscay said he would relay this information to the applicant, state the concerns, and make recommendations on adjustments to the building mounted lighting, i.e. with a shield or have down lit lighting, not extending over the property line.

The mandatory action date on this application goes into April. Mr. Voelker said since there will be discussion by Mr. Duscay with the applicant, he expects they will approve extension of the application to the next PZC meeting. It was explained by Mr. Voelker that the Commission cannot require the applicant change all the lighting. The applicant can offer to take the lighting down. The Commission has the right to judge the entire thing under Section 40 of the regulations. Mr. Voelker said the Commission would like to hear the applicant would fix the lighting.

Mr. Duscay said he would like to provide this information tonight but cannot speak for his client tonight.

The Commission was told by Ms. Caliguri there are four lights on the corners, and showed their location on the plans.

It was stated by Mr. Voelker that the intention is to have the number of lights reduced, and the ones remaining changed to full cutoff.

Jack Greenspan, 1538 South Main Street, stated the prior owners of the hospital had placed intense lights, and he could not walk in his yard at night without being blinded. They did change the lights after he complained...and this was going on for years. The lighting was changed and he could enjoy his yard.

Mr. Duscay is familiar with that lighting issue, but back lights were not changed. He will discuss everything with Mr. Nicholls, his client.

Dr. Jack Greenspan, 1538 South Main Street, stated his property abuts north of the subject property. He is a resident of his building since 1977. In 1980 the hospital was a small facility; they asked him if he had problems with an expansion; and he said no. He learned a valuable lesson to get everything in writing. At that time he was told they would provide a barrier so he would not see a visible building...but it went from a small structure to the current size. On the plans he pointed out the White Pine Tree plantings and other visual protection. His house is 167 feet; the hospital was 152 feet; his house is about 3 feet higher due to the foundation so he is actually 170 feet. Dr. Greenspan looks down at the vet hospital.

In October when the barn was cleared, the new parking area was opened up, all trees taken down along the line...Dr. Greenspan was faced with looking out at a large proposed parking area, with no physical protection. His right to privacy had been invaded. This is a residential area, and the hospital is the only exception to this...it is zoned R-40. The hospital has an exception. They were allowed to build the hospital, because he was insured he would not physically see the dogs running around outside. He did not get this in writing. It worked for awhile. At the last meeting he talked about changing the front parking area because of intrusion into his property, and he appreciates this change which will work. Dr. Greenspan said there is, however, no visual barrier again. The proposal was for 71 parking spots, and now it will be 65 spots.

The existing parking spots prior to this change was about 40 spots, utilized successfully for 37 years. Dr. Greenspan stated there are occasions when people park by the grass. On any given day there are vacant spots. The extended rear parking area has open spaces, and he sees them every day. There are two construction dumpsters on the property taking up those spots. Dr. Greenspan asked about the justification for expanding to 60 spots from 40 spots...and is the hospital certain they will expand their business to the point to need all this parking...which happens to be 20 feet from his property. They did adjust the front which is appreciated, but Dr. Greenspan said the hospital should invest in some form of barrier between him and them. There were prior discussions about a barrier (pointed out on the plans) of Arborvitae which grow about 2 to 3 feet a year, and 6 foot trees are proposed. That is fine except that when he looks down he sees dumpsters, 8.5 feet high, and Dr. Greenspan distributed pictures of what he sees from his property, which he never saw before. The two dumpsters are now in future parking areas. He showed photos of what he sees from his living room, the front parking area during a normal business day and it is not over loaded with cars, and his visibility without the trees into the hospital site. Dr. Greenspan cited his concerns about his privacy, because cars will be parked at night with headlights on 24/7 for the emergency facility. He cannot walk around his living room at night as he used to do because of these lights.

For clarification, Mr. Dawson asked if Dr. Greenspan is talking about something other than construction dumpsters.

In response, Dr. Greenspan said looking out his window he sees a 8.5 foot high dumpster. The proposal is to put 6 foot Arborvitae in there, which will not protect him visually...he is looking at an industrial park, industrial building with a large parking area.

Stating he is a dentist, Dr. Greenspan cited an analogy...a patient comes to him with a toothache; an x-ray is taken and he sees nothing there; and says goodbye to the patient. He is guilty of malpractice or negligence because in order for him to ascertain what is going on he must look, probe, use strong light into a tooth for cracks, breaks, check with instruments. Just looking at a two dimensional picture does not give him any appreciation of what is going on. The subject application is a two dimensional picture and he would like to see Commissioners come to his property, see what he is looking at and being faced with. Dr. Greenspan is investigating a problem to know what effect this parking area will have on the value of his property...will it negatively affect his ability to sell his property...and decrease his property value.

Dr. Greenspan said these are his main concerns, but he has thought about instead of cutting 20 feet from his property (pointed out on the plans), the relocation of parking spaces which will decrease his visual pollution. He pointed out where there could be trees planted.

Mr. Duscaj noted the location of the septic field, and said you cannot just put parking behind parking without a travel aisle access. This would be an additional 24 foot travel aisle, and is not a good configuration given the constraints of the property.

Dr. Greenspan asked about reducing it by four more, pushing it back, allowing for a green barrier. He asked about a taller and stronger barrier than the Arborvitaes.

It was stated by Mr. Duscay that there was a meeting with Dr. Greenspan about the Arborvitaes in the revised plan. On the plans, he cited the limit of the existing parking line. Behind this was the old exercise yard/grassed area no longer utilized, the existing tree line, the old barn, and the biggest change between the abutting property owner is the removal of trees and clearing. Based on the survey the area under existing conditions was grass and a fenced in enclosure before work was started without a permit.

In terms of the need for parking, Mr. Duscay said based on the zoning regulations this facility requires one parking space for every 200 square feet. The computation shows a requirement of 54 parking spaces based on zoning code. The need for parking is based upon experience every day on site. Based on his conversation with the Fire Marshal, Mr. Duscay said many cars park along the access route which prompted the comment about fire lane no parking stripping. Under current conditions there are cars parked along the access drive due to inadequate parking on the site. The need for parking is based on the code and the need for emergency staff. Currently there are 40 to 45 spaces, some not striped.

Mr. Todisco asked about Dr. Greenspan's statement that taking four spaces out will solve his problem.

It would help a little and Dr. Greenspan said if the barn were put back that is 25 feet high. Removing four spots and the barrier back with more elevation he might be able to live with it...but 6 foot Arborvitaes will not be tall enough.

According to Mr. Duscay these plantings grow 2 to 3 feet a year. Some nurseries might stock taller Arborvitaes.

With respect to the barn, Mr. Todisco said this comes down anyway. It seems to him that four less spaces and larger plantings could handle Dr. Greenspan's issues entirely.

Dr. Greenspan talked about the line of sight (on the plans) where the pine trees were originally located, 30+ years ago. Now, he can look to where the dumpster is, people walking all the time, and dogs outside.

Mr. Linder asked about improvements to the parking areas, and getting the 65 spaces down to 55 spaces for the applicant's usage.

Mr. Duscay noted the limited number, the line for parking, and various spaces. He said it is not only the awkwardness of the area but also the limited space.

The code allows the applicant to defer up to 50% of the required spaces, and Mr. Voelker said 27 spaces could be deferred on the side. There are operational changes inside the building which tells them the need for a number of spaces. Mr. Voelker said the applicant could be asked to defer some of the parking spaces. The Commission cannot make him do this, but Mr. Duscay could talk to him and encourage him to do this.

(there is conversation ongoing which is in audible on the tape)

Mr. Duscay commented on the need for the 33 parking spaces as there is a large staff at the hospital.

Ms. Caliguri talked about shift work at the hospital, with 30 people on three different shifts.

The applicant understands the relationship of storm water management requirements and impervious surfaces, and Mr. Duscay said he is not inclined to build parking that is not needed or necessary. The number depicted on the plan is a reduction from the original plan, and is based on the operation being run and improvements to the facility, interior renovations for a state of the art veterinary facility and anticipated need depicted on the plan.

Mr. Natale asked about additional shrubbery for abutting properties.

There is an area outside of the septic and leaching field, and Mr. Duscay said there is no health code or regulation to preclude from landscaping.

Ms. Calgiuri cited #9 Mulberry Court as another property for consideration.

Daniel Kahl, 94 Fenn Road, pointed out his property and pool on the plans. His main concern is the lighting, getting blasted with the lights, and ball park is a good analogy. As soon as the trees came down, septic tank, etc. for construction has increased the light pollution in his back yard. He questioned if anything can be done about it. He likes the suggestions others have made about buffers, and doing something on his side as well. He commented on Dr. Greenspan's visual pollution statement. His other concern was the wetlands, and is glad this was looked at. This is a unique situation with a 24 hour operation in a residential area, with the lights for this business. He did not get an invitation to the original public hearing, and should have received a notice to address the issues.

It was stated by Mr. Todisco that the applicant's representative, Mr. Duscay, is willing to talk to the neighbors, and Mr. Voelker would be willing to talk to people at Town Hall.

94 Fenn Road was pointed out on the plans.

With testimony already stated about trees coming down, Mr. Veleber asked about the effect on 94 Fenn Road.

Mr. Duscay pointed out the revised tree line on the plans for the septic repair. He also pointed out the tree shadow where the tall trees are located.

While some discussion was going on Mr. Dawson said he was thinking about the deferred parking, and how this would help a lot. It is done about 90% of the time. Basically, much of what is being talked about is known, and Mr. Duscay must go back to his client and see what he says. The Commission cannot direct what the owner can do with his property or not... suggestions can be offered. This would solve the long conversations at this meeting.

Mr. Duscay stated his agreement, but the applicant could not attend this meeting.

Mr. Voelker advised the next public hearing is February 27, 2017, and it is expected revised plans will be submitted along with a narrative from Mr. Duscay. This will be shared with the neighbors. Mr. Voelker invited neighbors to talk to him and get information submitted in advance of the meeting via e-mail.

The Commissioners were invited to walk the Kahl property in order to visualize what he is talking about. His suggestion is a buffer on the south side where the entry way is located.

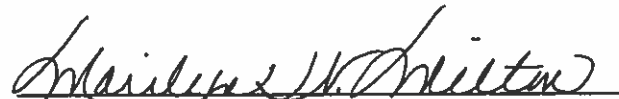
THE PUBLIC HEARING WAS CONTINUED TO FEBRUARY 27, 2017

VI. ADJOURNMENT

Chairman Kurtz closed the public hearing at 8:45 p.m.

VOTE The motion passed unanimously by those present.

Attest:



Marilyn W. Milton, Clerk

(transcribed from tape - there are portions of the tape which were inaudible)