

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, FEBRUARY 27, 2017 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

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

Alternates - Jeff Natale and Jim Jinks.

Absent: Sean Stollo, Edward Gaudio. Alternate Jon Fisher.

Staff: William Voelker, Town Planner; George Noewatne, PW Director

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 | PH 2/27/17 |
| Of new entry element | MAD 4/21/17 |

Matt Duscay, P.E. Milone & MacBroom, represented the applicant. At the last public hearing there were neighborhood concerns about on-site lighting and proposed buffering. Mr. Duscay reported the plans have been revised and submitted to the Planning Department.

Mr. Duscay reviewed the revisions to the plans.

Removal of four (4) parking spaces from the rear parking lot; 2 spaces on each side; rear parking spaces reduced to 29; there will still be the required 24 foot travel aisle.

Rear buffering with Arborvitaes to screen buildings from the north to the proposed parking. These plantings will now be Norway Spruce Trees, 8 to 10 feet high at planting. There are a few plantings (Northern Spruce) proposed on the east edge of the parking area. They will not interfere with the leaching field.

Lighting Concerns - neighbors cited concerns about lighting; lighting on the existing building, roof top lighting along the building and flood lights. There was a discussion with the construction manager, and these lights will be removed. The existing lighting will be tilted downward. The back of the facility is dark and there is soffit lighting on the overhang; flood lights will be entirely removed, but they are needed now to provide safety for staff; they will be replaced by cutoff shoebox light fixtures.

Mr. Dawson thanked the applicant for all the things being done.

Mr. Todisco visited the site, drove to the rear of the parking lot, walked around Fenn Road and Mulberry Court, and commented on the lighting. He asked if there would be less lighting upon completion of this project. Mr. Todisco also asked about the trees.

According to Mr. Duscay there will be less visual light on the side; light levels will be the same as the existing conditions but relegated to the side. There will be Northern Spruce trees just outside the leaching field area.

Mr. Veleber said the Norway Spruce trees are selected to cut off the angle and reduce lighting and shielding light from the building itself.

There is a setback line, and Mr. Duscay said plantings will be in an area where they are not disturbed. The applicant is still working with neighbors to insure tree placement is optimized. A Norway Spruce is a robust tree that will grow and branch out.

With the four (4) parking spaces eliminated in the back, Mr. Natale asked about the striping being removed and the whole area paved.

A 24 foot travel aisle is required and Mr. Duscay said the spaces removed are in the corner in the back.

For the record, Mr. Dawson stated he visited Dr. Greenspan's property, walked in back, looked around. What is being done for Fenn Road makes him happy and it should help neighbors, particularly the cutoff lighting.

Chairman Kurtz noted that the full cutoff lighting was not part of the application, and asked if it is now part of the application.

Mr. Duscay said it will be part of the construction improvements.

PUBLIC COMMENTS AND QUESTIONS

Dr. Jack Greenspan, 1538 South Main Street, abutting neighbor to the hospital, asked about placement of the trees, the original plan for 16 Arborvitaes, and with increased lighting if there was going to be plantings in front of the building. There will be cars coming up to the Maple Tree; there are no provisions for plantings near his property line for him to be shielded from cars; and this is visual pollution. Dr. Greenspan recommended planting of additional trees on the north side of the front parking lot, and

he wants someone from the vet hospital to show him where the termination of the Norway Spruce trees will be. On the plans he pointed out where the vet hospital is now visible to him, prior to the construction project. The line of trees has to be significantly extended to screen him from looking at people walking dogs, dumpster, and an industrial looking building. Dr. Greenspan stated he wants to enjoy peace and good quality of life, to which he is entitled to as a 39 year resident of Cheshire. This new construction will affect his ability to walk outside and enjoy his home and privacy.

David Kahl, 95 Fenn Road, said he did not receive the packet of information about the proposed changes to the plans. He stated appreciation to Commissioners who visited the area. He sees the line of trees to be screened to the north, but does not see anything to the south. His issue is between the lighting, visible parking lot in plain sight. Before the trees came down he did not see this...the light was there but is now more visible. He looks at the parking lot with the leaves off the trees. Mr. Kahl does not want to look at the parking lot and dumpster, and said there should be changes to the south as well as the north.

Frank Pepe, 11 Mulberry Court, stated he did not receive the packet of information about the proposed changes to the plans. Mr. Pepe read through the minutes and appreciates the proposed changes. He heard the lighting has been reduced; the offset lighting for neighbors is reduced; but he left his house tonight and saw the vet hospital still there, with harsh lighting. Mr. Pepe understands there needs to be a replacement septic system, but when that occurred no one was notified or required to be notified. He was interested when 3/4 acre was clear cut to make this a reality. The parking lot renovation or project was, probably, part of this initial schematic. When his family first moved into his house, a selling feature of his home was the back, looking out at the woods, and not seeing the vet hospital at all. He looked at the GIS maps and saw the doctor had a double lot; the line went through the middle of his house and he was not going to build; and the animal hospital could not be seen. Mr. Pepe was happy and bought the property. Fast forward to the clear cut for the new septic system, which had to be done, and, now in combination with the additional parking spots, impervious surfacing of the parking lot spaces, and with the clear shot lighting from where he sits in his home he looks at the back of the hospital. With whatever green barrier that is being proposed, it is interesting there is an assortment of trees delineated on the northern edge. For Mulberry Court, he pointed out 4 trees in 2 locations, and asked that this be taken into account. With elevation of his property, Mr. Pepe said he has a clear shot of the hospital. Tonight he counted 15 cars and 2 green dumpsters in the back of the hospital site. He hopes the lighting is improved, and when finished is as accurately described (full down lighting) without bleeding into the yards of neighbors, and the green barrier of trees will block the line of sight. Mr. Pepe requested future mailings be forwarded to him.

Nora Caliguri, 10 Mulberry Court, said the number of trees is a big issue, and asked about "cutdown lighting", and if this means a 30 second shutoff.

Chairman Kurtz explained that cutoff lighting is directed down towards the ground, and does not allow light to travel to an area other than where it has been focused.

Ms. Caliguri asked about the height of the light post in the middle of the parking lot in the back.

Mr. Duscay said it would be one light, 16 feet high, and pointed it out on the plans. He said full cutoff refers to the pattern of the light, and there is an internal shield which directs the light downward.

Britt Schneider, VCA representative, stated that turning off lights is a safety issue for her employees. She understands the lights shine into neighbor's property, but she cannot forget her responsibility to employees and the safety of pets. At this time employees leave two at a time, have panic buttons with them, and one employee fell on her face in the dark. These lights have been there for a long time, and if people have issues they can call her so they can be addressed sooner.

Frank Pepe understands the safety of employees. As a suggestion, he said temporary lighting on the edge of the parking lot, shining towards the building, not his living room. If there are panic buttons, Mr. Pepe said he needs one because his back yard literally abuts the hospital property, the new grass area for the leaching field, and he does go out at night. Although he appreciates the lighting comment, Mr. Pepe said there can be temporary lighting shining on the building, thus eliminating the lighting problem for the neighbors, while insuring the safety of employees.

With regard to the leaching field notification and packets to neighbors, Mr. Duscay said this was a health and safety issue brought to the attention of the town and IWW Commission. No notification or permitting were required for the work to repair the leaching field.

The Commission and applicant were told by Ms. Caliguri that before the trees were cut down, the neighbors did not see the lights or the hospital. There was no problem with the hospital before the trees were cut down...she could not see the facility.,

Mr. Todisco asked if the trees to be added to the south and east of the property can be included in the plans to shield people leaving from Fenn Road and Mulberry Court.

There will be more Norway Spruce trees added, and Mr. Duscay pointed out the location of the leaching field on the plans, along with the snow shelf location. He said trees cannot be planted on top of the leaching field, and location of plantings can be coordinated with abutting property owners.

With removal of the flood lights in the back, Mr. Todisco asked if all lights will then be full cutoff, and not shining in anyone's home.

That is correct, and Mr. Duscay said the existing lighting will be turned down somewhat and will be replaced with full cutoff lights.

A comment was made by Mr. Todisco that more trees would be worthwhile and should be looked at by the applicant.

Mr. Dawson visited the property at almost dark, and said the testimony from neighbors is factual, and he saw the lights with his own eyes. He appreciates the revisions in the plans. In his opinion, he must vote, and wants everyone happy, with problems worked out before coming to PZC. The applicant should make it easier for the Commission so things go smoothly. The trees are a big problem, and sometimes the investment is worth it, and his thought is for more trees to be installed.

In response, Mr. Duscay said the applicant is willing to invest in a few more trees, and the applicant intends to maintain good neighborly relations. The VCA has been there a long time; is investing in this facility; intends to remain in Cheshire for a long time; and is willing to supplement with a few additional Norway Spruce trees in locations.

Town Planner Voelker clarified that this means two more trees along the eastern elevation and in the front as requested by Dr. Greenspan.

No trees are proposed in front, and Mr. Duscay said an existing dumpster is there now. A few Arborvitaes might buffer this. Mr. Duscay pointed out a line on the plans where there is no VCA activity. He said Dr. Greenspan is referring to the northern boundary along the access point, and the applicant would not be adverse to providing some supplemental plantings. There could be Norway Spruce trees installed rather than Arborvitaes. Mr. Duscay said he is opposed to obstructing the sight line with something with a low branch and height, and cause a future sight line issue.

Mr. Dawson said with removal of the dumpsters the cars can still be seen. It cannot be a perfect world for either party. Going up Dr. Greenspan's driveway to the top you can see the dumpsters and count the cars parked.

In reply to a question about the septic system, Mr. Duscay advised it has already been installed in summer 2016.

Mr. Linder talked about clear cutting of 3/4 acre.

In looking at the site on a visual basis, Mr. Duscay said it is about 1/2 acre, and it was done as part of the health and safety repair for the leaching field.

Mr. Linder understands there was earth movement started with out permits or approval, and was illegal activity. He asked if a permit was required.

Stating that is correct, Mr. Duscay said the barn was removed, earth was removed and gravel put down that did not require a permit. No permit is required to remove trees from a property.

One half acre was cleared, and Mr. Linder asked if this is part of the normal application. If it was not done, would it be part of the PZC application. There was earth movement, clear cutting, septic system put in...all part of the entire project of extending the parking lot.

Mr. Voelker said the septic system would have happened on its own, and no approvals were needed. There is no question the applicant did way more than it should have done.

If everything was done by the book and had come to the PZC, Mr. Linder said there would not have been a septic system installed, and no clear cutting.

Mr. Voelker explained that the septic system is not included in anything the PZC has to approve. It had to be repaired. The amount of material removed depends on many things...the size of the system, the soil types, topography in order for the system to function, and some systems are larger in area because of the soils. He understands Mr. Linder's point that the applicant went in there and just kept going.

If the septic system did not require Commission approval, Mr. Linder said that is fine. But, it appears it was all connected to the project work. The septic system area is the problem here with removal of so many trees which were a buffer.

The trees existed on the property and Mr. Voelker said permission was not required to remove the trees.

Mr. Linder stated if everything was done according to the book, it would be a different presentation to the Commission.

Stating that is not true, Mr. Duscay said the location of the leaching field and choosing the site was by dictated by health code compliant with the code and property lines etc. The application before PZC would look the same way, and approval was received from Chesprocott and Wetlands staff.

Mr. Linder asked if the septic system was a separate project prior to the decision to expansion of the parking lot, and did not require a public hearing.

Mr. Duscay said correct, it did not require a public hearing.

A question about where the other trees were taken down was raised by Mr. Natale.

On the plans, Mr. Duscay pointed out where the trees were taken down, and the main removal was taking down the existing barn which opened up the view shed of the

adjoining property. Small saplings were removed, it was not a clear cut. The area was previously a fenced in grass area used by the animals. There was removal of fencing, the barn and a few sapling trees, which opened up the view shed, and the area buffer will be augmented with a Norway Spruce plantings. Anything done in the back was tied to the septic repair.

If there were no septic issues and the applicant wanted to build the parking lot, Mr. Kurtz asked if those trees would have been taken down without Commission approval.

That is correct, and Mr. Duscaj said they are outside the upland review area...which is the 50 foot dash line on the plans, and the work was vetted through IWW. There was no illegal cutting at all.

For clarification, Mr. Voelker said there will be two more trees planted in the back corner. He asked how many additional trees can be counted on in the front.

Mr. Duscaj said it would be four additional species to buffer the dumpster and parking area.

Five trees are proposed, and Mr. Voelker said two more will be installed in the limited area, with four more in front.

Mr. Veleber asked about two more places for planting, per Dr. Greenspan, and asked if this number is sufficient. The doctor is concerned about blocking off from the front parking lot but also the view of the side of the building, and he wants a tree barrier all along the north edge of the property. This is his understanding. Four trees are proposed in the back to fill in and grow, and Mr. Veleber asked if they will block Mulberry Court on the angle, with two more trees south would block some view. Fenn Road properties are looking at the west side of the building. With more trees on the east line, Mr. Veleber asked if this blocks Fenn Road people from the parking lot. Down more on the curb there would be trees to block Fenn Road. We are now up to about 82 additional trees...and he is concerned if adding more trees addressed Fenn Road concerns.

With regard to the lighting being cutoff and lighting in the parking area, Mr. Veleber asked if the safety of staff and animals would be addressed.

According to Mr. Duscaj it is felt that one centrally located fixture will adequately light this area, but not to the extent as originally proposed. There are light bollards along the area to the building for walking and egress path.

For the snow removal area, Mr. Natale asked about moving this further to the north, and plant more trees so Mulberry Court has less view of the hospital.

Mr. Duscaj said that is where the snow had recently been plowed. In meeting with Dr. Greenspan he brought the issue about snow melting onto his property and salt residue.

In response to that, the snow storage area is along the eastern area to insure the snow melt does not migrate to the north and actually flows down the slope, and not to the adjoining property owners. If this area were relocated to the end of the parking aisle there could be additional plantings.

Mr. Natale said the southeast part of the parking area could be used for snow removal.

Mr. Duscay said that would be awkward. But, if the Commission felt this to be a suitable location it could be there.

It was stated by Mr. Voelker that snow cannot be put there, and plowing cannot be there. The Cheshire Fire Department may want to get in there.

In response to a question about the total number of trees raised by Mr. Dawson, the Commission was told by Mr. Duscay that this was on the plans. The applicant has now committed to four more plantings on the northern boundary, and two more on the eastern boundary. The line of Norway Spruce trees is already on the plan.

Chairman Kurtz noted the applicant has stated if there was an area, more trees could be put along the side.

The Commission was told by Mr. Duscay that VCA is willing to spend additional money so adjacent property owners have adequate buffering and screening from the existing building.

CHAIRMAN KURTZ CLOSED THE PUBLIC HEARING.

2. Special Permit Application
CMMS LLC
405 Maple Avenue
Reinstate approval for mixed use

PH 2/27/17
MAD 4/21/17

Attorney Jay Hershman, 290 Highland Avenue, represented the applicant. This property makes use of an approved 1981 permit. In 2011 the applicant requested a zone map change to R20-A and it was approved. At that time the applicant thought she would need more office space for her business, and has decided this extra space is not needed. The best use of the building is a mixed use, with addition of two apartments. The applicant meets the conditions set forth in Section A, 32B and parking requirements are also satisfied. The 2011 parking had 11 spaces deferred and the applicant asked that this be kept in place, as there are no parking issues at this property.

Town Planner Voelker read comments dated February 24, 2017 from the Cheshire Fire Department into the record.

Attorney Hershman informed the Commission that fire alarms have been installed in the building, and the Fire Department has a lock box for access.

THE PUBLIC HEARING WAS CLOSED.

3. Special Permit Application
Town of Cheshire/Jack Casner
1511 Byam Road Fire House #2
Replace Generator.

George Noewatne, PW Director and Steve Gandreau, P.E. represented the applicant.

Mr. Noewatne stated the Byam Road fire station has an existing generator in the rear of the building, and this generator has failed. The generator has many issues and no longer meets code requirements. The Town Council funded purchase of a new generator which will be installed off the parking lot, stored in a metal enclosure (box). This generator will power the entire building, connected to the building, and there is a privacy fence.

Mr. Voelker noted the generator must be tested periodically, and this testing will not disturb anyone and it will be done on a timer system.

Mr. Gandreau said the testing is done about twice a month.

Mr. Lentini asked about use of this generator for only emergency needs.

In reply, Mr. Gandreau said that was correct.

The issue of the decibel level was raised by Mr. Veleber.

Mr. Gandreau said the specifications are 75 decibels on the property line.

According to Mr. Noewatne the generator and enclosure must meet the setbacks in the back.

Neighbors have been notified of the use, and Mr. Voelker noted this is a non-residential use, and notification is included in the application.

Robert Brucato, 1146 Wolf Hill Road, member of the Energy Commission, asked about the energy star rating of this generator, as the Commission looks to save fuel on devices.

Mr. Gandreau said he does not believe this generator has an energy star rating.

Mr. Brucato said this should be going through Eversource for better ratings and cost savings.

This is a standard generator, and Mr. Gandreau said there is nothing more efficient or suitable for the proposed use.

THE PUBLIC HEARING WAS CLOSED.

4. Special Permit Application
David S. Mercugliano
50 Round Hill Road
In-Law Apartment

Judith Mercugliano, 50 Round Hill Road, property owner, explained she and her husband want to build a 648 sq.ft. in-law apartment for his parents, using the existing garage for the apartment. They will then build another garage in front of the apartment, coming closer towards the street.

Mr. Voelker pointed out that the plans are not the final plans. The applicants have an architect preparing construction documents, and he is confident the plans meet all the zoning requirements.

THE PUBLIC HEARING WAS CLOSED.

5. Special Permit Application
Town of Cheshire/George D. Noewatne Jr.
525 South Main Street
To install an emergency generator

PW Director Noewatne represented the Town for the proposed 250 kw generator to be installed at Cheshire High School. CHS is an emergency shelter for the Town, and upwards of 50 people use the school for emergency shelter. If the power is out this generator comes on line, and powers the kitchen, locker rooms, gym, bathrooms, the Commons. It will be a permanent unit at the high school, piped into the building and power large areas of the building. It will have bollards around it, and enclosed in a metal container.

Mr. Dawson commented on his support of this generator at the high school for emergency situations, and said it is a good investment.

THE PUBLIC HEARING WAS CLOSED.

6. Special Permit Application
Sanddeep Tiyyagura
30 Rising Trail
In-Law apartment (existing-new owner)

Mr. Voelker informed the Commission that the "in-law suite" is already there and was approved by the PZC. Extensions were also previously approved by the Commission.

The regulations do not permit transfer of the extensions to a new owner. Mr. Tiyyagura must come to the Commission for re-approval for his benefit.

Chairman Kurtz told the applicant that the unit cannot be rented out to anyone, and must be used by a relative.

Mr. Tiyyagura said the unit will be used for family members who visit, and it will not be rented to anyone.

THE PUBLIC HEARING WAS CLOSED.

VI. ADJOURNMENT

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

MOVED to adjourn the public hearing at 8:46 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk