

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, NOVEMBER 9, 2015, IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

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

Alternate - Diane Visconti

Absent: S. Woody Dawson and Edward Gaudio; Alternates Jon Fischer and Leslie Marinaro.

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the special meeting to order at 8:16 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. ACCEPTANCE OF MINUTES - REGULAR MEETING 10/26/15

MOTION by Mr. Todisco; seconded by Mr. Stollo.

MOVED to accept the minutes of the Regular Meeting of 10/26/15 subject to corrections, deletions, additions.

Correction: David Veleber was absent from this meeting.

VOTE The motion passed unanimously by those present.

VI. UNFINISHED BUSINESS

Commissioner Kurtz was recused from applications #1 and #2. Alternate member, Ms. Visconti, replaced Mr. Kurtz. Mr. Stollo was chairman for these applications.

Mr. Stollo moved agenda item #2 to current status.

2. Subdivision Application
Apex Developers LLC
Coleman Road
7 lots (6 new; 1 existing)

PH 9/16/15
PH 9/28/15
PH 10/14/15
MAD 12/18/15

MOTION by Mr. Veleber; seconded by Mr. Todisco.

MOVED that the Planning and Zoning Commission finds that the application to create seven (7) residential building lots (including Lot 1 with an existing house) on the property known as 678 Coleman Road is consistent with the Town of Cheshire Zoning Regulations and with the Town of Cheshire Subdivision Regulations, as shown on plans entitled "Coleman Farm Subdivision, 678 Coleman Road, Cheshire, Connecticut dated June 24, 2015, and revised through September 8, 2015, Sheets EX-1, EX-2, Subdivision Map Sheets 1 of 2 and 2 of 2, Site Development Plan Sheet SP, Roadway Plan and Profile Sheet RP, Sedimentation and Erosion Control Plan Sheet SE; Site Details Sheets SD-1, SD-2, SD-3, SD-4 and SD-5, and hereby approves this application.

The Commission finds, pursuant to Section 5.6 of the Town of Cheshire Subdivision Regulations that the proposed cul-de-sac is practical and desirable and there is no logical or feasible alternative for the subject property to be served by a through street at the present time or in the foreseeable future for the following reasons:

1. The subdivision parcel of land is a narrow parcel considering the R-80 designation and lot size requirements and at its southwesterly end contains sensitive wetlands that drain to the Broad Brook Reservoir Watershed, which is a major source of water for the Town of Meriden and also serving some Cheshire residents.
2. The proposed location and length of the cul-de-sac respect the wetlands on proposed Lot 5 leaving sufficient area on Lot 5 for placement of a house and septic system without directly impacting the wetland areas.
3. The only way to provide through access to the subdivision property would be, in addition to extending the cul-de-sac about 600 feet, by construction of a Town Road over 1.400 feet in length through neighboring property connecting to Tamarac Road. That road would have to contend with steep slopes and cross extensive wetlands and watercourses, all of which are in the Broad Brook Reservoir Watershed and direct tributaries to the reservoir. Not only is such a connection unlikely at this time, but it is also unlikely to happen in the foreseeable future.
4. A through street layout would adversely and significantly impact the proposed subdivision causing either the elimination of Lot 4 because it would be undersized or would result in location of the house and septic system of Lot 5 close to the wetlands on Lot 5.

The Commission finds, pursuant to Section 6.6 of the Town of Cheshire Subdivision Regulations, that it would not be appropriate to require the applicant and owner to provide for the reservation of an easement for the proposed street to connect to the adjoining property for the following reasons:

1. The location of any potential easement would cause either the elimination of Lot 4 because it would be undersized or would result in the location of the house and septic system close to the wetlands on Lot 5 which wetlands are contained within the watershed of the Broad Brook Reservoir.

2. All logical extensions of any easement providing access to the adjoining property for the construction of a future town road would have to contend with steep slopes and cross extensive wetlands and watercourses which are tributaries to the Broad Brook Reservoir and within the watershed of the Broad Brook Reservoir.

Discussion

Mr. Linder commented on the comprehensive motion and all the issues facing the commission on this application. The applicant came before the Commission with a subdivision application and because of the request of the Watts for an extension to the cul-de-sac, the Commission is dealing with two issues. He read an excerpt from Section 6.6 of the Subdivision Regulations into the record, noting that the key word is "appropriate". The Commission decides what is appropriate.

Mr. Linder said that Attorney Malloy brought up the argument for the easement, and read a paragraph from page 1 of her September 16, 2015 letter into the record. The letter has two key words, "possibility and probability". There was testimony about the developability/buildability of the Watts property which includes a major water shed and wetlands area. The Commission heard from Mr. Waz from the City of Meriden in opposition to development of the Watts parcel.

Mr. Linder stated there is no doubt in his mind about whether this property can be developed and the probability of development. If the Watts property was a flat piece of dry land, the Commission could give the extension, but it is not. His problem is with the watershed and steep slopes of 15% grade which tells him there is low probability of development. Because of the testimony and protection of the wetlands Mr. Linder would rather err in favor of protection of the wetlands. He said he would be voting in favor of the subdivision application as it stands.

Mr. Todisco and Ms. Visconti agreed with the statement made by Mr. Linder.

Mr. Veleber noted his agreement with Mr. Linder's statement, and said there are two sides and two competing arguments. It comes down to what is appropriate and required. He said it is not appropriate for the reasons stated in the motion.

VOTE The motion passed unanimously by those present.

1. Sidewalk Waiver Request
Apex Developers LLC
Coleman Road

PH 9/16/15
PH 9/28/15
PH 10/14/15
MAD 12/18/15

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

MOVED that the Cheshire Planning and Zoning Commission finds that, based on the long narrow shape of the parcel being subdivided, the configuration of the intersection with Coleman Road and the sight line requirements which control the location of the proposed road all resulting in Lot 7 having excessive frontage with wetlands adjacent to Coleman Road, the applicant has provided sufficient evidence as required by Section 1.1.1 of the Town of Cheshire Subdivision Regulations to construct public sidewalks only on the northerly/northeasterly side of the proposed street and to waive the requirement for the construction of sidewalks on the southerly/southwesterly side along the frontage of proposed Lot 7 and Lot 6 as shown on plans entitled "Coleman Farm Subdivision, 678 Coleman Road, Cheshire, Connecticut dated June 24, 2015, and revised through September 8, 2015, and specifically shown on the plan entitled "Site Development Plan, Coleman Farm Subdivision, 678 Coleman Road, Cheshire, Connecticut, Scale: 1"=50', dated June 24, 2015, Revised through September 8, 2015 by Milone &MacBroom and hereby approves the waiver request.

Discussion

Mr. Todisco stated the record should reflect a cul-de-sac with six (6) houses and the sidewalk easily accessed by the homeowners. The waiver is justified.

VOTE The motion passed unanimously by those present.

3. Zone Text Change Petition Application
Airgas USA LLC
To add Section 32.7.2 to Section 32.7
Outside Storage.

PH 11/09/15
MAD 01/13/16

MOTION by Mr. Veleber; seconded by Mr. Lentini.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed Section 32.7.2 to the Cheshire Zoning Regulations will provide additional flexibility for businesses located adjacent to other industrial and commercial properties, and that the Special Permit requirement provides a process for review that will offer sufficient protection for public health, safety and welfare. The Commission also finds that this application is not in conflict with the 2002 Cheshire Plan of Conservation and Development, and hereby approves this application.

VOTE The motion passed unanimously by those present.

4. **Special Permit Application**
CK East Johnson North LLC
16 and 456 East Johnson Avenue
Earth Regrading for Agricultural Use
PUBLIC HEARING CONTINUED TO 11/23/15

PH 11/09/15
MAD 01/13/16

5. **Earth Removal, Filling or Regrading Permit**
CK East Johnson North LLC
16 and 456 East Johnson Avenue
And Waiver Request of Subsection 3.9
And 11 under Section 25.5
PUBLIC HEARING CONTINUED TO 11/23/15

PH 11/09/15
MAD 01/13/16

VII. NEW BUSINESS

1. **Special Permit Application**
Rushford Center
680 South Main Street, Suite 204
Behavioral Health Services and
Supportive Services
PUBLIC HEARING SCHEDULED FOR 11/23/15

2. **Special Permit Application**
Gina Vice-Hlavacek
50 Wyndemere
In Home Office
PUBLIC HEARING SCHEDULED FOR 11/23/15

3. **Special Permit Application**
David Drescher
92 Main Street
Massage and Facials
PUBLIC HEARING SCHEDULED FOR 12/14/15

4. **Special Permit Application**
Bower's Health Care Facilities Inc.
d/b/a Marbridge Retirement Center
665 West Main Street, 655 West Main Street
And Carter Lane
Expansion to the Assisted Living, Convalescent
Home - Per Section 30, Schedule A, Item 7-F.
PUBLIC HEARING SCHEDULED FOR 11/23/15

Town Planner Voelker informed the Commission that the Marbridge application is for another 12,000 sq.ft. on three (3) floors; the last approval was for 50 beds and this will not change; there will be more single than double bed units.

VII. ADJOURNMENT

MOTION by Mr. Veleber; seconded by Mr. Stollo.

MOVED to adjourn the special meeting at 8:42 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk