

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, NOVEMBER 23, 2015, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

Earl J. Kurtz, Chairman; Sean Strollo, Vice Chairman; Edward Gaudio, Secretary; Members: S. Woody Dawson, Gil Linder, Vincent Lentini, John Kardaras, Louis Todisco, David Veleber.

Alternates - Diane Visconti

Absent: Alternates Fischer and Marinaro.

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the regular meeting to order at 8:46 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 - Public Hearing November 9, 2015 and Special Meeting, November 9, 2015

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

MOVED to approve the minutes of the Public Hearing of November 9, 2015 and Special Meeting of November 9, 2015, subject to corrections, additions, deletions.

Correction: P.H. page #3, last paragraph...should read "**Ms. Visconti** questioned..."

VOTE The motion passed unanimously by those present.

VI. UNFINISHED BUSINESS

- Special Permit Application
CK East Johnson North LLC
16 and 456 East Johnson Avenue
Earth Regrading for Agricultural Use**

PH 11/09/15
PH 11/23/15
MAD 01/27/16

MOTION by Mr. Veleber; seconded by Mr. Gaudio

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed earth regrading of 30,000 cubic yards of earth on the 13.32 acres of property as shown on plans entitled "Excavation Plan, CK East Johnson North LLC, 456 East Johnson Avenue, Cheshire CT" revised through November 4, 2015 is consistent with the requirements set forth within Section 25 of the Cheshire Zoning Regulations, and hereby approves this application.

VOTE The motion passed unanimously by those present.

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| <p>2. Earth Removal, Filling or Regrading Permit
<u>CK East Johnson North LLC</u>
16 and 456 East Johnson Avenue
And Waiver Request of Subsection 3.9
And 11 under Section 25.5</p> | <p>PH 11/09/15
PH 11/23/15
MAD 01/27/16</p> |
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MOTION by Mr. Veleber; seconded by Mr. Dawson.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed waivers of Section 25.5, Subsections 3, 9 and 11 of the Cheshire Zoning Regulations related to the earth regrading of 30,000 cubic yards of earth on the 13.32 acres of property as shown on plans entitled "Excavation Plan, CK East Johnson North LLC, 456 East Johnson Avenue, Cheshire CT" revised through November 4, 2015 will not pose any unreasonable risks to public health or safety, and hereby approves this application.

VOTE The motion passed unanimously by those present.

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| <p>3. Special Permit Application
<u>Rushford Center</u>
680 South Main Street, Suite 204
Behavioral Health Services and
Supportive Services</p> | <p>PH 11/23/15
MAD 01/27/16</p> |
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MOTION by Mr. Dawson; seconded by Mr. Kardaras.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposal to establish a 1,200 square foot Behavioral Services Facility on the second floor of the existing professional office building at 680 South Main Street as illustrated on plans presented by the applicant are consistent with Section 30, Schedule A, Item 50 and Section 40 of the Cheshire Zoning Regulations and hereby approves this application.

VOTE The motion passed unanimously by those present.

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| <p>2. Special Permit Application
<u>Gina Vice-Hlavacek</u>
50 Wyndemere
In Home Office</p> | <p>PH 11.23.15
MAD 01/27/16</p> |
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POSTPONED TO DECEMBER 14, 2015

5. **Special Permit Application**
Bower's Health Care Facilities Inc.
d/b/a Marbridge Retirement Center
665 West Main Street, 655 West Main & 29
Carter Lane
Expansion to the Assisted Living, Convalescent
Home Per Section 30, Schedule A, Item 7.F

PH 11/23/15
MAD 01/27/16

Mr. Todisco informed the Commission that for the last application he recused himself due to possible conflict of interest as his former law firm did a great deal of health care law. He is no longer affiliated with this law firm and there is now no conflict of interest.

MOTION by Mr. Dawson; seconded by Mr. Stollo.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed expansion of the Assisted Living and Convalescent Home is consistent with the requirements of Section 30, Schedule A, Item 7.F, and the requirements of Section 40 of Cheshire Zoning Regulations, as shown on plans entitled "Site Plan of 655 and 665 West Main Street and 29 Carter Lane, Cheshire CT" prepared for Marbridge Assistant Care Center LLC, October 26, 2015, revised through November 23, 2015, and hereby approves this application conditioned upon compliance with comments from the Town Engineering Department and Cheshire Department.

Discussion.

Mr. Linder commented on his concerns about the imposing structure on Jocelyn Lane. He suggested the applicant talk to the Fire Department staff for planting of some trees to soften the site on Jocelyn Lane. Mr. Linder stated the subject application is a much improved application from the prior one, and he will vote in favor.

Mr. Dawson expressed appreciation to the applicant for keeping his business in Cheshire; the business is an asset to the community; and the proposed building is beautiful.

VOTE The motion passed unanimously by those present.

6. **TABLED APPLICATIONS**

- A. **Special Permit Application**
92 Main Street LLC
92 Main Street
Massage and Facials
TABLED FOR PUBLIC HEARING TO 12/14/15

VII. BONDS

Road acceptance: Letter from George Noewatne, Director of Public Works and Engineering dated 11/17/15.

RE: Baxter Court - Pemberley Estates Subdivision, Verna Properties LLC

MOTION by Mr. Veleber; seconded by Mr. Dawson.

MOVED that in accordance with the November 17, 2015 letter from George Noewatne, Director of Public Works and Engineering, the Planning and Zoning Commission recommends that the Town Council accept Baxter Court, in its entirety, as a Town road. All as shown on a map entitled:

Subdivision Map Pemberley Estates, Owner: Sharon Brownridge; Applicant Verna Properties, LLC, Academy Road (CT RT 70) & Wiese Road, Cheshire, Connecticut, Dated: August 15, 2001, Scale 1" = 40', as prepared by Robert Sterling, L.C.

Acceptance by the Town Council should be conditional upon the recording of the warranty deed for the roadway, and drainage easements as approved by the Town Attorney.

At the time of acceptance the existing performance bond may be released and a maintenance bond in the amount of \$31,249 should be posted. The road "as built" map and monument and lot pin certifications have been submitted to the Engineering Department.

VOTE The motion passed unanimously by those present.

VIII. NEW BUSINESS

1. Special Permit Application

H and H RE LLC
Moss Farms Road

**To re-approve rear lot Accessway in an approved 2-lot subdivision
SCHEDULED FOR PUBLIC HEARING ON 12/14/15**

2. Special Permit Application

SRJSA Properties LLC
1525 Highland Avenue

**Addition of 4,800 SF Garage
SCHEDULED FOR PUBLIC HEARING ON 12/14/15**

3. Other Planning and Zoning Commission Business

a. Monthly report from Zoning Enforcement Officer

The report was reviewed and accepted by the Commission.

IX. ADJOURNMENT

MOTION by Mr. Veleber; seconded by Mr. Dawson

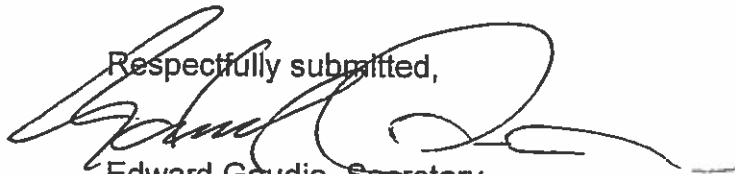
MOVED to adjourn the regular meeting at 9:00 p.m.

VOTE The motion passed unanimously by those present.

Attest:


Marilyn W. Milton, Clerk

Respectfully submitted,


Edward Gaudio, Secretary
Cheshire Planning and Zoning Commission