

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, MAY 14, 2018, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz III, Chairman; Gil Linder, Secretary; Members: John Kardaras, Jeff Natale, Louis Todisco.

Alternates: Robert Anderson, Robert Brucato, Donald Walsh

Absent: Sean Strollo, S. Woody Dawson, Edward Gaudio.

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Mr. Kurtz called the public hearing to order at 7:31 p.m.

Mr. Anderson, Mr. Brucato, and Mr. Walsh were the alternates for the public hearing.

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 Linder read the call of public hearing for the applications.

1. Special Permit Application

Jill Newman

816 Bardon Court

In-Law apartment existing (missed deadline to renew)

PH 5/14/18

MAD 7/18/18

Matthew Newman, 816 Bardon Court, addressed the Commission about the existing in-law apartment for his mother-in-law. The permit was received in 2001, and the renewal notice must have gone to his former address, was not received, so the supplemental affidavit was never submitted. Mr. Newman said he and Jill Newman are submitting a new application for the in-law apartment.

Town Planner Voelker stated there are no changes to the in-law apartment.

Mr. Voelker read comments from the Cheshire Fire Department, dated 5/8/18 into the record, and Regional Water Authority comments dated 5/7/18 into the record.

The public hearing was closed.

2. **Waiver Request of Section 25.5.5 Subsection 9
For earth removal, filling or regrading
(Waiver Request 25.3.2)
CK 300 East Johnson Avenue LLC
300 East Johnson Avenue** **PH 5/14/18
MAD 7/18/18**

3. **Earth Removal, Filling or Regrading Permit
CK 300 E. Johnson Avenue LLC
300 East Johnson Avenue** **PH 5/14/18
MAD 7/18/18**

4. **Special Permit Application
CK 300 E. Johnson Avenue LLC
300 E. Johnson Avenue
Grading to Develop a lay down area for plants.** **PH 5/14/18
MAD 7/18/18**

Attorney Anthony Fazzone, Two Towne Center, Cheshire CT, represented the applicant, CK 300 E. Johnson Avenue LLC. Along with Severino Bovino, Land Planner, Kratzet, Jones & Associates, Inc.

Attorney Fazzone noted there are three separate applications before the Commission. There will be activity on the property, but no hauling from the site or onto the site, and no traffic as a result of this application. The application is required because the activity will exceed more than 2,000 cu.yds of material being moved. Under Section 25.3(c) agricultural type regrading, filling or removal is exempt up to 2,000 cu.yds per area. The subject activity will exceed this cubic yardage, and must have a special permit.

The applicant is requesting waiver of Section 25.5.9 which talks about excavation and grading within 50 feet of abutting properties. Attorney Fazzone will show that regrading within 50 feet is such activity that will not involve or create substantial risk or damage to the abutting properties. This is not like an earth removal permit with creation of steep cuts in the land to remove or haul material.

Mr. Bovino represented CK 300 E. Johnson Avenue LLC, and noted the property is in an I-2 Zone, has public water and sewer on the north side of E. Johnson Avenue. This property has two access points (east and west), 1% to 2% grade; has grade going 6% to 10% next to the roadway; there is existing drainage on the property, west to east from prior use; soil is sand and gravel; an excavation permit is required; there will be no activity on Saturday, Sundays or legal holidays; cuts and fills will be 1 to 2 feet. The site has two nearby residences, a power line on East Johnson north and faces west, and nothing past the power line will be touched. Excavation will be about 25 feet on the first section and 35 feet on the second section, and there is a one foot drop. All appropriate notes are on the plans; the area will be stabilized; the entire area will be covered with filter fabric.

Town Planner Voelker read comments from the Town Engineering Department dated 5/9/18 and RWA dated 5/10/18 into the record.

Mr. Natale asked about the two residential properties, their current state and what taking off the top soil will do.

At the closest point the rear property is 35 feet and Mr. Bovino said the proposed grade equals 196 elevation. The grading is away from the properties and there is no direct grading runoff to the properties, and no vegetation will be touched.

Regarding these two properties, Mr. Todisco clarified that grading will have no impact on the two residences, and asked about notice given to the abutting property owners.

Attorney Fazzone informed the Commission that the neighbor closest to the applicant's property received notification, has been in touch with the Planning Department, and received notice of the public hearing. This property owner has discussed with CK 300 owner the grading, and is in negotiations with CK 300 for them to purchase the residential property. The remaining boundary lines to the subject property are owned by a related CK entity and are in common ownership. The street property owner did not receive specific notice; there is no legal requirement for this property owner to be noticed; and all the property is in the I-2 Zone.

Regarding the 50 feet being met, Mr. Todisco asked if this was met.

On the plans, Mr. Bovino pointed out the "dash line" for the 50 feet requirement, and noted there is a gentle slope towards the east. Grading is away from the residential properties; there will be some plantings in this area; grading is about 6 inches of material being moved around; there will be no adverse impact on the two residential properties; there is the front power line and work will not go past this power line.

Mr. Brucato asked about the property being tested and anything to be concerned about.

The property was tested and Attorney Fazzone stated there was environmental remediation for some existing contamination. RWA is aware of this situation; there are no materials being removed from the site; materials are just being moved around with no increased effect on what is there; the covering is a permeable mat. In the areas where there is excavation, it is within 50 feet, there is a drop in grade about one foot after the excavation is done...it is very gradual. There is no risk of damage to the abutting property owners.

Attorney Fazzone read an excerpt from Section 25.5 Standards and Conditions into the record.

Mr. Natale talked about being unsure of the contamination, and soil going closer to the house or the other way.

Attorney Fazzone said it will be pushed away from the houses, and the issue is not on the high priority list.

Chairman Kurtz explained there will be clean-up, making the property level with a foot here and a foot there, and drainage coming away from the residential homes.

With respect to the plantings, Mr. Fazzone stated nothing is planted in the ground; potted plants will be on top of the matting and grown outdoors on the fields.

The public hearing was closed.

5. Zone Text Petition Application PH 5/14/18
Planning and Zoning Commission
To amend Section 32, Schedule B-Dimensional Requirements
Minimum Lot Width, Street Line Setback, Side and Rear
Line Setbacks.

Town Planner Voelker explained that these are technical amendments to the I-2 Zone, and they are similar to the I-1 Zone.

Mr. Voelker read comments from CROG dated 4/17/18 into the record.

The public hearing was closed.

VI. ADJOURNMENT

MOTION by Mr. Kardaras; seconded by Mr. Natale.

MOVED to adjourn the public hearing at 8:07 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk