

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING HELD ON WEDNESDAY, OCTOBER 10, 2018, IN ROOM 207-209, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz, Chairman; Sean Strollo, Vice Chairman; Members: S. Woody Dawson, John Kardaras, Gil Linder, Jeff Natale, Louis Todisco.

Absent: Matthew Bowman, and Robert Anderson (Alternate)

Alternates: Robert Brucato, Donald Walsh

Staff: William Voelker, Town Planner Guest: David Veleber, Town Council Liaison

I. CALL TO ORDER

Chairman Kurtz called the special meeting to order at 7:56 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

They group Pledged Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – Public Hearing 9/12/18, Special Meeting 9/12/18 and Special Meeting POCD 7/11/18.

MOTION by Mr. Natale; seconded by Mr. Dawson.

MOVED to accept and approve the minutes of the Public Hearing 9/12/18 and Special Meeting 9/12/18 subject to corrections, additions, deletions.

VOTE The motion passed 8-0-1; Strollo abstained.

MOTION by Mr. Natale; seconded by Mr. Brucato.

MOVED to accept and approve the minutes of the Special Meeting POCD 7/11/18, subject to corrections, additions, deletions.

VOTE The motion passed 8-0-1; Strollo abstained.

VI. COMMUNICATIONS

- 1. Letter from Rich Macri received September 24, 2018
RE: In-Law apartment renewal for 1080 Summit Road.**

Mr. Voelker read the letter into the record.

MOTION by Mr. Dawson; seconded by Mr. Kardaras

MOVED that the Planning and Zoning Commission grant a five-year extension of the approval for the in-law apartment, property located at 1080 Summit Road, with the following stipulations:

1. All previous stipulations shall remain in effect.
2. This approval shall expire on **October 10, 2023**. The applicant may request an extension of the permit by providing the Commission with a notarized statement verifying that the use of the in-law apartment complies with the regulations, and that the resident of the in-law apartment qualified under these regulations.

Discussion

Mr. Todisco noted that the letter request submitted by Mr. Macri was not notarized, which it should be under the zoning regulations.

In that regard, Mr. Voelker advised the Commission that the approval could be contingent upon receipt of a notarized letter/request from Mr. Macri.

The Commission agreed with this contingency and it was added as follows:

3. Approval is contingent upon receipt of a notarized letter for the request.

VOTE The motion passed unanimously by those present.

VII. UNFINISHED BUSINESS

- | | |
|---|---------------------|
| 1. Subdivision Application | PH 10/10/18 |
| <u>Carol B. Caley, LLC</u> | MAD 12/17/18 |
| Reservoir & South Meriden Road | |
| 2-lots | |

MOTION by Mr. Dawson; seconded by Mr. Kardaras.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed subdivision for 2 lots as shown on plans entitled "Subdivision of Bishop/Caley Property, South Meriden Road (Route 70) and Reservoir Road, Cheshire CT" revised through August 22, 2018 are consistent with the requirements of the Cheshire Subdivision Regulations and the Cheshire Zoning Regulations, and hereby approves this application conditioned upon the following:

1. Satisfaction of comments from Chesprocott Health District dated September 17, 2018.

2. Satisfaction of comments from the Town Engineer dated October 10, 2017.

VOTE The motion passed unanimously by those present.

VIII. NEW BUSINESS

Other Planning and Zoning Commission Business

1. Plan of Conservation and Development

a. Discussion of Highland Avenue Design District

Packets of information were given to the Commissioners on items of New Business.

Mr. Voelker noted submission of his memorandum and map of this potential district in the packet. He suggested Commissioners visit segments of the proposed design district. He commented on the information showing the east and west sides of Highland Avenue, the road segments and properties in the segments, and the two sides of the road being distinctively different.

West Side – is narrower, not very deep, with smaller properties that invite redevelopment. With redevelopment there would be demolition of buildings, clearing of sites, joining of parcels. The purpose is to develop a design district, to get outcomes, not just a commercial strip using existing stock. Some portions of Highland Avenue do not have sewer lines. Assumptions have been made and based on current geometry of the properties out there. Investments will likely be on frontage properties.

East Side – is not likely to get much because of the geometry; properties are not very deep; they are small; and there are not many sites left in this area.

Redevelopment would be on the west side; new development on the east side. On the east side there are lots of wetlands, tough topography; and what is being proposed is something similar to the S.D.D.

Mr. Voelker noted that he gave the Commissioners amendments to the POCD, draft amendment to Section 47, the Highland Avenue Design District regulation. Special regulations can be developed per project based on the unique characteristics of the project.

Mr. Voelker also submitted a Policy Overview of Commercial Areas and Industrial Areas for Commission review, which are chapters out of the POCD. To adopt the regulation there must first be amendment of the Plan.

Policy Overview of Commercial Areas – Mr. Voelker cited the new section “Highland Avenue Focus Area”, and read excerpts into the record.

Mr. Voelker read Section 23 of the regulations into the record.

There are existing non-conforming residential properties in the Interchange Zone. They would remain "as is" without any changes. Mr. Voelker said he wrote draft regulations and left out residential. Regarding "institutional" uses, they are by special permit in the R-80, R-40, R-20 and R-20A zones.

Mr. Natale stated the Commission is not looking to write regulations, just change other areas of Town.

In the future, Mr. Voelker said someone could propose development with a residential component. He wrote the proposal to enable a broad perspective approach to come in, developing a project, and a set of regulations going with the project. Everything put on Route 10 is subject to review by the State of Connecticut.

Following the completion of the new regulations, the Commission can amend the POCD, hold a public hearing in early 2019, refer the matter to the Town Council, and go through the process. The regulations would be ready to go in March 2019. The Economic Development Commission (EDC) did a consulting study with recommendations for the north end alternatives that should be looked at.

Mr. Voelker welcomed individual discussions with Commissioners on the proposals, and encouraged them to read the information and visit the area.

**b. Discussion of Revisions to In-Law Apartment Regulation
(Section 30; Schedule A, Item #5).**

Mr. Voelker submitted an amended version of this regulation for discussion and review. The "red" language is the current wording in the regulation; the "blue" is the proposed/recommended changes in the regulation.

Mr. Voelker read an excerpt of Section 8-23 CGS into the record.

The Commissioners discussed the possibility of "deregulation" of in-law apartments and the affect it would have in the Town. Mr. Voelker noted that some in-law apartments are constructed without regulation approval and do not meet the building codes. The Town wants conformity with the building codes. When an in-law apartment gets a building permit, there is a certificate of occupancy issued which insures compliance with the building and safety codes.

Existing Regulation Review

- a. **The additional dwelling unit is only to be occupied by family members...
and is not to be rented or used for income purposes.**

The Commissioners held a discussion on the existing and suggested revisions to the regulation.

Under the current regulations, there is no allowance of space for a “caregiver” of the unit resident. At this time there is no limit on the number of persons permitted in an in-law apartment. There is a section in the regulations (1B) for an accessory/second dwelling unit on a property for a person and caregiver. The Commissioners discussed the possibility of inclusion of wording “and/or caregiver or domestic help” for the in-law regulation. It was noted the intention of the in-law apartment is for families to stay together, for a longer period of time, at minimum cost.

b. 750 square feet...increase to 900 square feet (net) exclude ramps, barrier free design.

Commissioners discussed the 750 S.F. as being too small, and consideration of changing it to 900 S.F. The applicant must submit a plan to the Planning Department in order to construct an in-law apartment.

f. Special Permit – expires in five (5) years, or at time of the sale or transfer of the property, whichever comes first...

Mr. Voelker said this time frame could be changed to reflect “ten (10) years”.

The Commission discussed changing the renewal time frame and agreed it should be considered.

There is no charge to renew a special permit for an in-law application, and the Commission talked about a possible fee of \$25 for renewal.

The current process for an in-law application was discussed. The Commissioners commented on continuing with the special permit, or having the Zoning Enforcement Officer (ZEO) handle all the permits with a set minimum fee of \$50. The special permit requires public notice, making a homeowner accountable to the Commission, and has a cost of \$200. Mr. Voelker noted that some municipalities are getting away from layers of approvals for accessory buildings. He informed the Commissioners that only the Town Council can set and approve fees.

There are three areas of consideration regarding in-law apartment regulations.

1. Eliminate the special permit, and have the ZEO approve in-law apartments.
2. Leave everything as it is now.
3. Continue to grant initial establishment of in-law units, and have the ZEO approve future extensions.

Mr. Voelker commented on "c" in the current regulations, and stated the connecting door is for safety purposes, and enables communication with residents in the main dwelling and the in-law apartment.

The in-law apartment regulations will be revised by Mr. Voelker for Commission consideration and possible adoption at a future meeting.


IX. ADJOURNMENT

MOTION by Mr. Todisco; seconded by Mr. Walsh.

MOVED to close the special meeting at 9:01 p.m.

VOTE The motion passed unanimously by those present.

Attest:


Marilyn W. Milton, Clerk