

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION
REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M.
PUBLIC HEARING HELD ON MONDAY, JULY 25, 2011 IN COUNCIL
CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Sean Strollo, Chairman; Earl Kurtz, Vice Chairman; Martin Cobern, Lelah Campo, S. Woody Dawson, John Kardaras, Gil Linder, Louis Todisco.
Alternates: Edward Gaudio and Leslie Marinaro
Absent: Tali Maidelis. Alternate - James Bulger
Staff: William Voelker, Town Planner.

I. CALL TO ORDER

Mr. Strollo called the meeting to order at 8:31 p.m.

Mr. Strollo read the fire safety announcement.

II. ROLL CALL

Mr. Kurtz called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

**IV. ACCEPTANCE OF MINUTES
PUBLIC HEARING 7/11/2011 and SPECIAL MEETING 7/11/2011**

MOTION by Mr. Kurtz; seconded by Mr. Dawson.

MOVED to accept the minutes of the Public Hearing of July 11, ,2011 and Special Meeting of July 11, 2011, subject to corrections, deletions, additions.

Correction: change House Right and Inn Right to "Housewright" and "Innwright."

VOTE The corrected motion passed unanimously by those present.

V. COMMUNICATIONS

- 1. Letter from Michael A. Milone, Town Manager, dated 7/19/2011
Re: 8-24 Review – Proposed 2011-2012 Five Year Capital Expenditure
Plan and Annual Capital Expenditure Budget**

Town Planner Voelker read the letter into the record of the meeting.

MOTION by Mr. Kurtz ; seconded by Mr. Cobern.

MOVED that the Planning and Zoning Commission finds that the Proposed Fiscal Year 2011-2012 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget for the Town of Cheshire is not in conflict with the Plan of Conservation and Development. This shall constitute the Commission's report relative to a review in accordance with Section 8-24 of the Connecticut General Statutes, as required by Section 7-2 of the Town Charter.

Discussion

Mr. Cobern commented on the five year plan inclusion of open space acquisition only in 2 of the 5 years of the plan, due to the poor economy.

VOTE The motion passed unanimously by those present.

2. Letter from Joseph E. Bowman, Esq. dated 7/22/11 RE: Special Permit at 22 Burton Drive for Reconstruction and Enlargement Of a Volume Reduction Facility.

Town Planner Voelker reported that there was an administrative error. The special permit form was not filed within 30 days on the land records in accordance with CGS and local regulations. The problem is that on the form it states that if the permit is not filed on the land records within 30 days, the special permit becomes null and void. However, this is not specifically stated in the regulations, nor in the Connecticut General Statutes. Given this confusion, the Planning Department contacted the town attorney for an opinion as to whether or not the Commission could grant an extension for the filing as requested in the letter from Mr. Bowman.

Mr. Voelker read a communication from the town attorney to the Planning Department into the record. The letter states that, in the opinion of the town attorney, per Attorney Kerry Olson, the Commission does have the authority and discretion to grant an extension of time to file the special exception on the land records.

MOTION by Mr. Cobern; seconded by Mr. Dawson.

MOVED that the Planning and Zoning Commission grant a 30 day extension in time for filing this application, and that the application remains valid until that point.

VOTE The motion passed unanimously by those present.

Chairman Strollo welcomed Ms. Campo, new PZC Commissioner, to the Commission. Ms. Campo is taking over the seat vacated by Ms. Nichols.

VI. UNFINISHED BUSINESS

1. **Combined Application for Zone Change to and Approval as a Special Development District (S.D.D.) and Approval of Special Design Project PABCO Inc. and 200 OTR Associates, LLC 200 Old Towne Road & 168 South Main Street Zone Change to and approval as a Special Design District (SDD) and approval of a Special Design Project (SDP). PUBLIC HEARING CLOSED; APPLICATION ON THE AGENDA OF SEPTEMBER 12, 2011.** PH 6/27/11
PH 7/11/11
PH 7/25/11
MAD 9/28/11

2. **Site Plan Application Batista LLC 312 South Main Street Outside seating area** MAD 09/13/11

Mr. Todisco recused himself from the Batista LLC application due to possible conflict of interest.

Mr. Voelker noted that a copy of the site plan is provided to the Commission for a 12 x 24 foot outside seating area in front of the building. This has been reviewed by the Engineering Department and there is satisfaction with what is proposed for the increased impervious surface.

James Sokonchick, Kratzet & Jones Associates, Inc., presented the application for an outdoor seating area in front of the existing Dunkin Donuts building at 312 South Main Street, next to the Calcagni Real Estate Offices.

On the site plan, Mr. Sokonchick pointed out South Main Street, the parking area, the existing building, and location of the proposed outdoor seating area. The plan is to take the existing entrance, create an at grade stamped concrete walkway to the 12 x 24 foot area which will have tables and chairs. There will be a short retaining wall on the side near the handicapped parking spaces and along the length parallel to the street, about 2 feet high, to double as a seating conversation area. The material to be used is stamped concrete surrounded by a crushed stone perimeter, with more crushed stone under the concrete which would allow any runoff to go underneath and infiltrate into the ground.

With regard to landscaping, Mr. Sokonchick said there was a request for some landscaping in the front of the seating area. This was discussed with the operator of the donut store, and he wants the Commission to appreciate the fact that he runs a business at night, and security is important for his employees. In the photo of the building where the patio will be located, the owner feels it is important for any activity in that area to be open and visible, which is important

for security. The owner wishes to have the right to landscape around the area which is best for the aesthetics of what he is trying to achieve. But, any idea of tall shrubs or buffers will be contrary to the other business needs.

Mr. Voelker stated that a landscaping plan should be reviewed by the Beautification Committee, and he would recommend that this plan be reviewed and approved. Stating appreciation of the owner's concerns, he recommends that the application be reviewed by the Beautification Committee.

Mr. Sokonchick said that as the plan is currently developed, the applicant will retain and maintain the nature of the existing landscaping, calling for grass in certain areas. There was no specific landscaping proposed as part of the application. The owner wishes to retain the type of landscaping that now exists on the ground around the proposed new area, i.e. a lawn.

It was recommended by Mr. Voelker that some landscaping be put around the stone wall.

With the seating area, Mr. Cobern asked how far the front edge would be from Route 10.

Mr. Sokonchick said it would be about 50 feet from Route 10.

Mr. Dawson asked if any lighting is being proposed in the new seating area.

In reply, Mr. Sokonchick advised that the owner is looking to use the same ambient lighting. The seating area will be a few round tables with chairs.

Mr. Voelker commented on the need for some type of shrubbery and plantings around the wall, and recommends some minor landscaping in front of the wall, keeping security in mind. This application should be reviewed by the Beautification Committee.

In that regard, Mr. Sokonchick said that the recommendation sounds reasonable, and the applicant will concede to it.

The Engineering Department comments have been addressed.

MOTION by Mr. Dawson; seconded by Mr. Cobern.

MOVED that the Planning and Zoning Commission hereby finds that the site plan application of Batista, LLC for a 12 x 24 foot outside seating area as shown on plans entitled "Pation Site Plan for Owner-Applicant Batista, LLC, Dunkin Donuts, 312 South Main Street, Cheshire CT" dated April 28, 2011 and prepared by Kratzert, Jones & Associates, Inc. 1735 Meriden-Waterbury Road, Milldale CT, is consistent with the Cheshire Zoning Regulations and hereby approves said plan,

conditioned upon provision of landscaping elements along the proposed wall to be reviewed by the Town's Beautification Committee, per agreement with the applicant.

VOTE The motion passed 8-0-1; Todisco recused.

**3. Site Plan Application
 Whole Foods Market
 400 East Johnson Avenue
 Proposed 3,000 S.F. addition
 Addition of two modular office
 Buildings**

MAD 09/13/11

Mr. Todisco recused himself from the Whole Foods Market application due to possible conflict of interest.

Matthew Duscay, P.E. Milo9ne & MacBroom, represented the applicant for the proposed 3,200 S.F. addition at 400 East Johnson Avenue. The parcel totals 39.5 acres, is in an I-2 Zone, abutted by I-691 on the east and Quinnipiac River on the west. The site is in the north Cheshire well field, and there was notification to the Regional Water Authority and Dept. of Health.

The proposal is for a 3,000 s.f. addition to the northwest corner of the building. Mr. Duscay pointed out the corner on the plans. It will be 50 x 60 feet in size, and would accommodate three additional loading docks. The reason for the addition is the company's need to expand their existing freezer space in this portion of the building. Floor plans and elevations have been submitted with the application. This addition would enable relocation of some other components of the building with the new loading docks. The area would be used for maintenance of equipment, recycling operations, in addition to the three loading docks lining up with the existing loading docks along the western portion of the building.

The application also seeks the addition of two modular office buildings in the southwest corner of the building. These would be 23.5 x 60 feet, a total of 1,400 sq. ft. of new office space.

In terms of storm water runoff there is a slight increase of impervious coverage on site. A c-n analysis was done, which is a measure of the different coverages on site. Given the overall size of the watershed and the property, there is no difference in the amount of runoff from the site to trigger any upgrade of the storm water management system. Documentation of this analysis has been submitted to the Engineering Department for review. A comment was submitted regarding the WPCA portion of the project, but nothing regarding storm water management. There are some minor drainage improvements from connection

of the new down spouts from the addition to the roof drainage collection system on site.

Another change on the plan is in the northwest corner where the emergency access is located. The travel lane will be bumped out to accommodate the new addition. This access is for the Fire Department. The access lane travels all the way up to touch into the existing pavement, and will be re-routed and realigned to connect to the existing pavement.

Mr. Cobern asked about the realignment of the interior and that there would be some equipment maintenance in that area. This is over the aquifer and he asked for clarification on the type of maintenance to be done.

According to Mr. Duscay, there is no maintenance other than what is occurring on site at this time, i.e. fork lifts and equipment used within the facility.

Jeff Anderson, Construction Management and Builders, was present to represent Whole Foods. He informed the Commission there is no vehicle maintenance on site, except for the fork lifts and interior maintenance of the equipment.

Mr. Voelker read the letter from the RWA into the record.

The proposed building will be a steel frame, insulated metal panel skin and will match the existing construction.

MOTION by Mr. Kurtz; seconded by Mr. Dawson.

MOVED that the Planning and Zoning Commission hereby finds that the site plan application of Whole Foods Market for expansion of the distribution facility located at 400 East Johnson Avenue as shown on plans entitled "Whole Foods Market, Inc, Proposed Building Expansion, 400 East Johnson Avenue, Cheshire CT", dated July 8, 2011, and prepared by Milone & MacBroom, 99 Realty Drive, Cheshire CT 06410, is consistent with the Cheshire Zoning Regulations, and therefore, approves this Site Plan application.

VOTE The motion passed 8-0-1; Todisco recused.

VII. NEW BUSINESS

1. Other Planning and Zoning Commission Business

a. Monthly Report from Zoning Enforcement Officer

The report was reviewed and accepted by the Commission.

b. Other

VIII. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Ms. Marinaro

MOVED to adjourn the meeting at 9:05 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk