

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, FEBRUARY 11, 2019, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Sean Strollo, Vice Chairman; Jeff Natale, Secretary; Members: S. Woody Dawson, John Kardaras, Gil Linder

Alternates: Robert Anderson, Tom Selmont and Donald Walsh

Absent: Earl J. Kurtz, Matthew Bowman, Robert Brucato, Louis Todisco

Staff: William Voelker, Town Planner

I. CALL TO ORDER

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

Mr. Strollo read the emergency public service notice.

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.

Mr. Linder read the public hearing notice for the application.

V. BUSINESS

Secretary Natale read the call of public hearing for the applications.

1. **Special Permit Application** **PH 01/28/19**
Royal Vision Management & Investments **PH 2/11/19**
831 South Main Street **MAD 4/17/19**
Conversion from Motor Vehicle repair use to
Retail use and parking improvements.
TABLED PER REQUEST OF APPLICANT TO 2/25/19

2. **Subdivision Application** **PH 2/11/19**
D&J Partner Properties LLC **MAD 4/17/19**
Marion Road
2-lots

David Nafis, P.E. and Surveyor, 1355 Middletown Avenue, Northford, CT represented the applicant, D&J Partner Properties LLC.

Mr. Nafis stated this is a parcel of property with an existing house. The applicant wants to split off a larger piece of the parcel, sell it, and keep the remaining portion of the land until a future time when an official lot would need subdivision approval. The applicant is not looking for this approval now.

There is a "note" on the plans which Mr. Nafis read into the record.

Town Planner Voelker explained that the intention is to insure there would be no permits on the larger parcel without the applicant coming back to the Commission. The purpose of the subdivision process is to enable the Commission to review whether or not a lot is developable. The note on the plans states, for conveyance purposes, that there is no development on the property until an application is brought back to the Commission.

Doug Noble, son of the property owner, stated this would be for future development. There are some issues with setbacks from the road, i.e. leeching fields.

It was stated by Mr. Voelker that all the conditions have been satisfied. There is a letter from Chesprocott which states the need from the engineer for a letter of intent to install a new septic system in the reserve area.

Mr. Noble explained he works in health and safety and must follow guidelines, i.e. special screening, special materials, etc. and must meet requirements for a project. This is the same for the Commission in meeting guidelines in front of them. If there is implementation of guidelines for setback requirements for leech fields, it must be done for every person on Marion Road, and it would require an amendment to the regulations. He said the applicant is not subdividing this whole piece of property, just cleaning it up.

Mr. Voelker said the portion of the property is a subdivided lot and subject to the regulations.

According to Mr. Noble, the subject property is "grandfathered".

Mr. Voelker explained it does not matter when the house was built, it only matters when the property was created. The subdivision regulations in Cheshire were adopted in 1949, so this is a subdivision of this property.

Mr. Noble questioned any other property on Marion Road, which the applicant has an issue with in front of the Commission, and having to come before the Commission to do the same thing as the applicant.

If properties on Marion Road want to subdivide the property, Mr. Voelker said they are all subject to the same regulations as the applicant.

Mr. Voelker read the Engineering Department comments dated 1/31/19 and Chesprocott statement dated 2/7/19 into the record.

This is not push backs, and Mr. Voelker said it is compliance with the regulations.

Mr. Voelker read paragraph #2 "Staff Analysis" from the staff report into the record.

As far as Chesprocott is concerned, Mr. Voelker stated the proposed revision is fine.

Mr. Noble does not want to run into future issues at another meeting, such as stalling, with the subdivision of the property. He does not want any more push backs, and said his father wants to move forward.

The plans were shown to the Commission by Mr. Nafis and he pointed out where the street lines would be placed.

In the Engineering Department comments, Mr. Voelker noted it states the requirement to move the septic system. He said there have been no push backs.

It was explained by Mr. Voelker that there was no street line on Marion Avenue. The subdivision regulations state that a street line must be established 25 feet from the center line.

On the plans, Mr. Nafis pointed out the two lines across the front, and the original property line based on previous maps filed in the land records. Because it is not 25 feet the applicant has created a new line closer to the house, and this becomes the new street line, 25 feet off the center line of the road.

Mr. Linder said he was confused as to the location of the property, and asked if it included the house, and whether the house was occupied.

The Commission was told by Mr. Noble that the house is currently unoccupied. The property is near Knotter Drive, 1675 Marion Road.

Mr. Nafis showed the plans and pointed out the location of the property, which is near Arisco Farms property.

With regard to the subject application, Mr. Selmont reiterated what has been stated. The applicant is trying to subdivide the space, and there is friction because the septic is cutting into the proposed street line.

The new street line will cut through the existing septic system, and Mr. Voelker said it cannot be located in the newly established right-of-way. The regulations require pushing the right-of-way line back...under Section 5.4.1 of the Subdivision Regulations.

Mr. Anderson clarified that the application is just for the setback requirements by the Subdivision Regulations. If there is any further building the applicant must come back before the Commission.

Stating that was correct, Mr. Voelker said the subject application enables the applicant to split off one individual lot. If the applicant decides on additional development on the property, it would be subject to additional review. If they want to do additional lots it becomes a resubdivision.

If nothing is done and they just subdivide the property, Mr. Walsh asked if the septic system must still be moved.

Mr. Voelker explained that if the applicant wants to split up the lot, there must be compliance with the Cheshire Subdivision Regulations, and the septic system must be moved.

Mr. Natale asked about the applicant not doing anything, not subdividing the property, and the town deciding to widen Marion Road.

If the town wanted to widen Marion Road and establish a street line on both sides of the road, Mr. Voelker said the town would have to compensate property owners for any issues. If any of the property owners choose to subdivide their property, they would be subject to the same regulations.

Mr. Noble stated he wants to insure everyone is on the same page regarding this property, and in compliance with the regulations, and move forward. He understands the septic system must be moved, but does not want any future changes on the current plans.

It was restated by Mr. Natale that for any future plans the applicant must come back and be in compliance with the regulations.

There were no further comments or questions.

VI. ADJOURNMENT

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

MOVED to adjourn the public hearing at 7:50 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk