

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, JANUARY 13, 2020 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz III, Chairman; Jeff Natale, Secretary;
Members: Matthew Bowman, Robert Brucato, S. Woody Dawson, Gil Linder, Louis Todisco.

Alternates: Robert Anderson and Tom Selmont

Absent: Sean Stollo and Casey Downes (Alternate)

Staff: William Voelker, Town Planner

I. CALL TO ORDER

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

Chairman Kurtz read the emergency public service notice.

II. ROLL CALL

The Clerk called the roll.

III. DETERMINATION OF QUORUM

Following roll call, it was determined that a quorum was present for the public hearing.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

Mr. Selmont was the alternate for the public hearing and special meeting.

V. BUSINESS

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| 1. | Special Permit Application | PH 11/13/19 |
| | <u>A.M. Napolitano LLC</u> | PH 11/25/19 |
| | 1675 Marion Road | PH 12/9/19 |
| | Rear Lot Access-way | PH 1/13/20 |
| | | MAD 3/18/20 |
| 2. | Resubdivision Application | PH 11/13/19 |
| | <u>A.M. Napolitano LLC</u> | PH 11/25/19 |
| | 1675 Marion Road | PH 12/9/19 |
| | 15-Lots | PH 1/13/20 |
| | | MAD 3/18/20 |

Attorney Matthew Hall, 195 South Main Street, Cheshire CT and Dennis McMorrow, P.E. Berkshire Engineering and Surveying LLC, Bantam CT represented the applicant.

Attorney Hall stated there was an issue raised at the November 25th public hearing on the rear lot access ways being avoided where possible, as set forth in Section 5.5.2a of the Subdivision Regulations. He has met with Town Planner Voelker and public safety departments and discussions were held on the safety aspects and enhancements to the original proposal. For the subject application, Mr. Hall explained that the proposal is for more efficiency and less environmental impacts to the Town subdivided road.

Mr. McMorrow explained that the common driveway versus extension of the Town road was chosen due to the one wetland crossing on the property. IWW also considered this to be a less intrusive project to the common crossing. The length of the curb will be 27 feet compared to 50 feet; the Town road would have difficult horizontal and vertical curvature requirements; with the common driveway the full contour of the land is much better, and aligns with the existing crossing on the property. With a Town road the curvature is much wider, more elevation (3 or 4 times more) would impact going across the brook. The cul de sac common driveway is 50 feet; the Town Road is 100 feet; there will be a 6% grade where the cul de sac is proposed; the steep is 12%; the driveways for the last two (2) lots leaving the cul de sac would be deeper into the ground with a severe cut at the end of the cul de sac. Due to septic constraints and I-84 close to the property, the applicant does not want high density of the subdivision in the back; it would be too close to the highway; and this is not beneficial to the highway or the houses. Bird Lane was looked at as a short cul de sac, about 500 feet away from the subject property.

For a Town road, Mr. Todisco asked if the IWW analysis would be different for a road through the wetlands, and why it would be different.

The Commission was informed by Mr. McMorrow that a Town road would have a more significant impact to the wetlands, could have gone over a 5,000 foot threshold, and the application could be involved with the Army Corp of Engineers and the DEEP. There would be a significant change in road grading and more fill (3 or 4 times more).

It was noted by Mr. Todisco that the common driveway is 600 feet long, the road is 825 feet long, and he asked why there is a house that far back. He said this was also a CFD and CPD issue.

Mr. McMorrow pointed out the location of houses on the site plan, noted the cut out on Bird Lane, one property is lot #8, and houses are not spread out in the back portion of the property. There is one driveway to serve three lots. On the plan, Mr. McMorrow pointed out I-84. He said the application meets the regulations and CFD requirements.

Mr. Todisco believes the houses will be well built.

Town Planner Voelker read comments into the record from the Cheshire Fire Department (Chief Casner) dated November 22, 2019, and Engineering Department dated December 2, 2019.

Mr. Bowman commented on it being odd that the CFD is requiring a private driveway to be built to Town standards...he does not like this wording. He said it is not the business of the CFD to want certification from an outside engineer before a c/o is issued...and this is not within the purview of the CFD.

Mr. Hall informed the Commission there are no sidewalks planned for the subdivision at this time.

The issue of there being a temporary cul de sac was raised by Mr. Linder, who cited the GIS map of the property. He talked about the adjacent property being "land locked" with the rear lot access way, and this being the issue with other applications.

The GIS Map for the subject property and surrounding area was submitted to the Commission by Mr. McMorrow. He reviewed the proposed subdivision location, property to the south, wetlands area, and noted there was prior discussion about a temporary cul de sac. Regarding the "connection" he does not see a significant impact to other properties; the connection is not well suited for the two properties; and at this time the other property is land locked without access to the other side.

Mr. Dawson commented on the applicant doing a good job, creative, with good engineering, and sees no problem with the application.

With regard to rear lot access ways, Attorney Hall stated the applicant understands the Commission concerns about limiting them, where possible. In the subject application there is significant impact crossing the property (and wetlands), changing the natural characteristics. He said the cost is equality to the nature of the property, and what is proposed is not out of character with past approvals.

IWW approval was received and Mr. Dawson sees no problems stated from the Town Engineer. He noted this is a tough piece of land.

Chairman Kurtz closed the public hearing.

3. **Resubdivision Application**
Napolitano Dietrich LLC
678 Coleman Road
2-lots

PH 1/13/20
MAD 3/18/20

Mr. Voelker read comments into the record from the Cheshire Fire Department (Chief Casner) dated January 9, 2020; Town Engineer dated December 2, 2019; and letter from Chesprocott dated November 14, 2019.

Dennis McMorrow, P.E. Berkshire Engineering and Surveying LLC, Bantam CT represented the applicant.

The application seeks the resubdivision of lot #1, 5.74 acre parcel into two building lots. Lot 1A would be 1.849 acres; Lot 1B would be 3.893 acres. Lot #1 had an existing house which was demolished prior to this application. The property contains wetlands and received IWW approval on January 7, 2020. Chesprocott has approved the plans, and soil testing was done. Lot 1A will use the existing well; Lot 1B will connect to the Town water. The existing iron pings will be removed and monuments installed.

CFD Comments – Mc. McMorrow stated the applicant has looked at re-grading lot 1B to 10% setback line; there would be 10% grade going to the turn around area; and there will be compliance with CFD regulations.

The Commission was told by Mr. Voelker that the applicant is in compliance with the regulations; they softened the lot; the grade could 11% to 12% and still be in compliance; the regulation is 10% from the street line to the front line.

Mr. McMorrow responded to a question about the setback of the houses from the road. Lot 1A is 90 feet; Lot 1B is 70 feet.

The CFD 14% grade requirement is for safety, not fire trucks backing into the site.

Mr. Bowman questioned why the CFD is taking it upon themselves to put whatever regulations they want in place – rather than PZC. He does not agree, and will vote against the application if this stipulation is not removed.

It was explained by Mr. Voelker that the CFD is in the public safety business. He quoted from the Subdivision Regulations, noting CFD has safety concerns and raised the issues. The plans were revised to soften the grade. The applicant modified the application per CFD requirements, and went to 10% (plus or minus) in keeping with CFD comments. This is the only opportunity for CFD, on a single family house, to raise their safety concerns, and the applicant responded to the concerns.

Chairman Kurtz suggested the PZC invite the CFD Chief and staff to a meeting to review and discuss their safety concerns and respond to Commission questions.

It was pointed out by Mr. McMorrow that there is a minor modification on lot #1 and everything is clarified on the Subdivision Map.

Chairman Kurtz closed the public hearing.

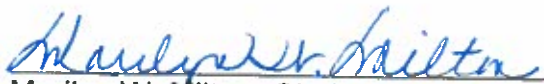
X. ADJOURNMENT

MOTION by Mr. Kardaras; seconded by Mr. Selmont.

MOVED to adjourn the regular meeting at 8:10 p.m.

VOTE The motion passed unanimously by those present.

Attest:

A handwritten signature in blue ink, appearing to read "Marilyn W. Milton", is written over a horizontal line.

Marilyn W. Milton, Clerk