

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY FEBRUARY 10, 2020 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz III, Chairman; Sean Stollo, Vice Chairman; Jeff Natale, Secretary; John Kardaras; Alternates: Casey Downes and Tom Selmont

Absent: Matthew Bowman, Robert Brucato, S. Woody Dawson, Gil Linder, Louis Todisco and Robert Anderson (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.

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

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| 1. | Zone Map Change Petition
<u>Clearview Farm Preserve LLC</u>
947 Cornwall Avenue Extension
R-80 to R-20 | PH 1/27/20
PH 2/10/20
MAD 4/14/20 |
| 2. | Resubdivision Application
<u>Clearview Farm Preserve LLC</u>
947 Cornwall Avenue Extension
7 Lots, including existing house | PH 1/27/20
PH 2/10/20
MAD 4/15/20 |
| 3. | Waiver Request
<u>Clearview Farm Preserve LLC</u>
947 Cornwall Avenue Extension
25.3.2 to waive Subsection 9 under
Section 25.5 | PH 1/27/20
PH 2/10/20
MAD 4/15/20 |
| 4. | Earth Removal, Filling and/or Regrading
<u>Clearview Farm Preserve LLC</u>
Cornwall Avenue Extension | PH 1/27/20
PH 2/10/20
MAD 4/15/20 |

Town Planner Voelker read comments into the record from the Regional Water Authority dated January 28, 2020 and February 10, 2020.

Secretary Natale read letters from Commissioners Brucato and Linder regarding the Clearview Farm subdivision project into the record of the meeting.

Attorney Anthony Fazzino, Cheshire CT, represented the applicant. Mr. Fazzino commented on the last public hearing with the Commission requesting a traffic study or street report. He informed the Commission that Dave Sullivan, Traffic Engineer, would present findings with respect to the road.

Attorney Fazzino read a letter into the record on the applicant's position with respect to improving or maintaining this road.

Mr. Voelker stated the letter will be reviewed by the Town Attorney for legal opinion.

Dave Sullivan, Manager, Traffic and Transportation Planning, Milone and MacBroom LLC, represented the applicant. Mr. Sullivan said there was a request to look at Cornwall Avenue Extension and present an opinion to the Commission on the current design and make recommendations for modification, if necessary.

The review is based on a field visit and measurements and guidelines from the American Association of State Highway and Transportation Officials (AASHTO) related to the design of very low volume local roads. Cornwall Avenue Extension would be on the list of roads with less than 100 vehicles a day; 80% of the roads in the country are classified low volume roads; and AASHTO documents provide guidance on how to look at these roads. Cornwall Avenue Extension is classified as a "rural minor access road". It is used almost exclusively to provide access to adjacent properties, which is the case with the subject property. The road is used primarily by drivers familiar with the road, the speed and vehicle volume. These roads are typically short and narrow roads with a number of residential driveways. Some of these roads function as alternating one-way roads, and many are unpaved. There is some guidance about other characteristics of these roads, such as accidents, which are few on these low volume roads.

Mr. Sullivan read an excerpt from the AASHTO guidelines into the record.

Accident statistics for Cornwall Avenue Extension were looked at back to 2003. The study looked at the characteristics of the road, sight distances meet all the criteria; cars approaching at the same time have ability for one car to pull aside and let a car over; this is the case with the subject road.

The applicant is looking at six (6) more homes added to this section of the road, and a field measurement was done that shows between 14' to 18' width through most of the length of the road. There is ability to see a car and pull over. On the section with vertical shoulders the sight distance is still there; there is opportunity to pull over and let someone pass. The new road continues to the cul de sac; it will be widened to 18' up

past or where the fire hydrant is located. On the plans, Mr. Sullivan showed what this looks like, and pointed out the fire hydrant, contours getting tight, the wall on the road side, and points east of the hydrant have widening, running to the first driveway, so there is a minimum of 18'. This is the recommended new construction for a low volume road. Some changes are recommended; other things are not recommended; and if things are not identified and need to be removed because of a demonstrated concern, there is no safety benefit to widening the road. There was a look at the road, a micro analysis was done, ASSHTO guidelines were looked at and 35% to 40% of the road will be recommended for widening.

Mr. Natale asked about 2/3rd up the road, widening it, and what is widest and narrowest portion of the road.

According to Mr. Sullivan the narrowest portion is 14.2' at one location.

Mr. Natale went up this road, and with another car coming, he had to pull off the road.

There is a soft shoulder and Mr. Sullivan said there is visibility of a car coming and to pull over.

Mr. Natale said there are some objections to not widening the road or taking down trees, and questioned objections to people driving through yards for cars to go through.

This is how these roads function and Mr. Sullivan said there is no driving through yards. 80% of these roads have low traffic volume. This is the criteria looked at and working, and there is no safety benefit to add another 2 feet or 3 feet to the road. The trips are estimated at 24 in and 24 out per day. With the current seven (7) houses the morning peak hour has five (5) cars leaving and two (2) entering; the afternoon peak hour has seven (7) entering and three (3) exiting.

The issue of sidewalks for the road was raised by Chairman Kurtz.

In response, Mr. Sullivan said they did not look specifically on whether they were brought up or not. He looked at the guides on the low volume roads and there were no sidewalk examples in the document. This area has low volume, high visibility, and no sidewalks recommended.

With regard to the Cheshire Fire Department (CFD), Mr. Natale asked about feedback and what happens when a fire truck drives up this road, and someone is already on the road.

Mr. Voelker stated that there are no additional CFD comments since the January 29th memo...and CFD has no specific comments.

When he was on the road, Mr. Natale said another car passed him and a fire truck would not have been able to pass.

Mr. Strollo asked about the road not being required, and why the cul de sac is required.

This is a new road and Mr. Voelker said a portion extended must meet Town standards.

Knowing that, Mr. Strollo asked where the extension starts.

The Commission was told by Mr. Voelker that it starts at the right-of-way, extending the right-of-way with the cul de sac.

Darin Overton, P.E. Milone and MacBroom LLC, displayed a map showing existing conditions and boundary. The yellow area ends at the paved portion of the road. He pointed out the driveway into the last existing house. The subdivision map shows where the 50 foot right-of-way ends. The plan comes off the north side, extended to create the bulb, it wraps around the standard left hand to offset the bulb the Town requires, bringing the radius back in. The issue is that the existing house on the lot is nonconforming. There was a look at shortening the cul de sac, building it down closer, not extending it, and this would push out the right-of-way and make this lot more nonconforming than it is...and this cannot be done. The applicant increased the size of the bulb.

The Commission was told by Mr. Voelker that the applicant is widening this area to the fire hydrant, with a look for transition between old and new.

Following the explanations, Mr. Strollo talked about other roads, and as long as the end is open and someone can turn around, he sees no problem with this road. He addressed not seeing anything in the traffic study about sight lines coming out of the road. Through experience he has not seen accidents on Cornwall Avenue Extension, but has seen accidents on Mountain Road and Cornwall Avenue. The subject road being narrow keeps people you don't want on it from going up and down, and is a plus.

For the record, Attorney Fazzone said the applicant is willing to put the cross walk marker on Mountain Road, as recommended by CPD in prior applications. The cross walk will be on the south side per CPD, but no sidewalks are proposed.

Mr. Voelker advised that the applicant cannot be required to put sidewalks on Cornwall Avenue Extension. He cited the Buttermilk Farms case, the developer's appeal and winning, because the existing town road is off site. The applicant cannot be required to put sidewalks on a Town road. It can be asked but not required. Connecticut General Statutes do not allow the local PZC to create "off site improvements" and sidewalks are an off site improvement.

It was noted by Mr. Fazzone that this goes back to 1982 when the statute cannot demand off site improvements, and the Buttermilk case made it absolute. The cross walk was simply for kids walking down Cornwall Avenue Extension on the east side.

On the east side, Mr. Natale asked about the town's responsibility for ADA compliance ramps and if the applicant pays for them.

Mr. Voelker started it can be asked but not required by the applicant. They are willing to put in the cross walk from one side of the street to the other, and it is up to the Town to make it safe and accessible. The sidewalk across the street is the focal point for kids to walk.

Darin Overton and Mr. Sullivan looked at the recommendations regarding the 18' width of the road, modifying how the cul de sac matched into the existing road. Some additional comments were received from the Town Engineering Department regarding storm water runoff from the cul de sac.

Mr. Overton cited the following information.

- 1) There is more clearly defined curbing around the new cul de sac where it begins and ends; defined the saw cut match line with the existing pavement; defined the strip widening on the north side which creates the minimum 18' width of pavement adjacent to the fire hydrant; provided adequate response to comment #1 that allows for storm drainage coming off the cul de sac to sheet flow off the newly graded shoulder associated with the widening, making it into the proposed storm water catchment area on lot #2.
- 2) The Engineering Department is looking for an easement for access in case of maintenance by the Town on the storm water...the basin functioning properly. The applicant is providing an easement to the Town of Cheshire for rights to maintain and have access to this area.
- 3) The cul de sac curbing has been addressed, including some minor changes to the plan.

With respect to who has responsibility for the drainage, Attorney Fazzone submitted an exhibit copy of a "Deed Restriction Language for Maintenance of Detention Basins", which is similar to an HOA. It is for the three (3) houses with detention basins, which have responsibility for maintaining the basins. The Town has the right to inspect, and if not maintained, the Town can maintain it, and place a lien on the property. These basins are different than others; they can easily be mowed; and this is all the maintenance necessary. The IWW sometimes requires rain gardens, but these basins are different, are grass covered and can be easily maintained and mowed.

The issue of standing water was raised and Mr. Overton said there are currently areas which collect water; there is some additional runoff ; there is an infiltration structure in the bottom of the basins; any storm water will flow into these areas; water will infiltrate into the ground within 48 hours. This is low field maintenance throughout the area.

According to Attorney Fazzone the Town Engineer recommends annual mowing or biennial mowing. He introduced a copy of the map from the Town Engineer which shows Cornwall Avenue crossing Mountain Road into the subject road, Cornwall Avenue Extension.

The question of the applicant putting in a right-of-way for the State line was raised by Ms. Downes...an access way that is not required, but an ask.

On this portion of the subdivision, there is no spot to do this and Mr. Fazzone said it is the RWA right-of-way, and all of the abutting land is State land and Cheshire property. Public access will not be allowed. RWA access is between lots 4 and 5, and is not a public right-of-way. Another question is where people would park to access the land.

On Beachwood Court the Town's right-of-way expands at the elbow of the curve, abuts open space, and there is room for parking for public access.

R80 – R20 Waiver Request – Mr. Fazzone pointed out the land to be subdivided (orange on the map), including the triangle, and said all of this land was transferred to the State and Town as open space. The Bens family owned all this land. He pointed out the R-80 piece of land; proposed lot #4 has sufficient land as an R-20 lot, with 22,000 S.F.; if left the same it would not make any difference to the subdivision. The question of this land being R-20 and being re-subdivided with another house might not meet setback requirements. It could be possible. The purpose of the waiver to R-20 was to create consistency throughout for the homeowner for setbacks. The applicant would accept a requirement that this lot not be further subdivided.

Mr. Voelker explained some properties are split and this is bad practice; there is no reason to do this; and one zone provides consistency for the subdivision. He does not believe the lot will be re-subdivided because of setbacks. On the subdivision map there would be a statement that the lot cannot be re-subdivided.

PUBLIC COMMENTS AND QUESTIONS

Rosanna Solomon, 279 Mountain Road, 52 year resident, has never had water problems or septic system problems. She asked about future water problems, and a guarantee that she will have no water problems.

Chairman Kurtz said he could not give a guarantee, but engineers have looked at the project, and experts say there will be no issues or problems.

Commissioner Kardaras said there is no increase in runoff with the project.

The hearing will be held open and Mr. Voelker said the applicant can have more specific answers at the next public hearing.

George Nousiainen, 266 Mountain Road, asked about the amount of water and road construction from the crest of the hill on Cornwall Avenue Extension to Mountain Road. He said the applicant does not show catch basins and asked what happens with this water. There could be additional water coming down to Mountain Road; his property abuts Clearview but is at the end of the drainage pipe; his problems continue after construction in the area; his yard and neighbor's yard flow into the Quinnipiac River. His garden is now a swamp. Mr. Nousiainen asked about wetlands, adding more water, where it goes, trees being killed by excess water, and water being diverted away from his property. He asked Commissioners to visit his property and see the problems and the flow of the water.

Tom Grimshaw, 470 Riverside Drive, said he has water that ends up in the Quinnipiac River and his backyard. The property will have added impervious surface, insecticides, pesticides, etc. Without trees down on the ridge line right side, this will impact the entire Quinnipiac River and he wants a report on this.

Don Burn 930 Cornwall Avenue, last house on the right side of the road on the extension, and is a 49 year resident. This is a quiet road; the town never improved it because there was no need; the width of the road is not a problem; and his kids walked to school down Cornwall Avenue Extension to get the bus. Mr. Burn commented on cars flying down Mountain Road with no way to stop without a 24 hour police car. Now, there will be seven (7) more houses with children going down this road...which is a nice road when there are no cars. With more cars there are safety concerns for the children walking down this road, which is not wide enough. He asked what happens with a fire truck that cannot get through for a house fire...cannot access the fire hydrant and use the water lines...because of the development when a road was not wide enough.

Cathy Devlin, 61 Lanyon Drive, stated her interest in this subdivision because it connects to Waterbury on Mountain Road. The location of this development would create a four-way intersection, which will be difficult to maneuver. Hikers will not be able to use the trail off this property. Ms. Devlin submitted five (5) pages of information to the Commission. This information referenced Open Space, Geology and Soils, Bens Homestead Trail, A Note about Trespass, Town of Cheshire Subdivision and Other Land Use Regulations, effective 12/28/71. In summary, Ms. Devlin talked about whether the prior subdivision would be under the 12/28/71 regulations requiring a certain width of an accepted town road...she is not sure a 30' or 50' width road is required. There is an old shed in the middle of the pond; the shed was on dry land; and over time the water table has risen. There is no accepted town road named Cornwall Avenue Extension; the spur is an unmarked 14' to 15' wide driveway terminating at the

Bens farmhouse at 947 Cornwall Avenue; the existing cul de sac is not an accepted town road with no plans to be improved and accepted as a town road.; 12 recycling and trash bins for the proposed development will be placed at the end of the accepted town road at the edge of the adjoining new cul de sac.

Attorney Fazzone stated the applicant would respond to all comments at the next public hearing.

Town Planner Voelker said the road will not be accepted by the town until it is constructed, meets town standards, and turned over to the town.

Attorney Fazzone commented on the major step for the applicant...which is to get subdivision approval. If approval is received, the improvements will be made to Cornwall Avenue according to town standards.

Chairman Kurtz commented on the fact that if the application is approved, the approved road goes to the full cul de sac.

Mr. Voelker explained the road will be extended to the cul de sac; trash bins will be wheeled down to the end of the private driveways which will be on the cul de sac.

On the map, Attorney Fazzone pointed out the existing 50' right-of-way shown all the way up to the cul de sac bulb. Actual improvements will be that portion including widening of the area to make a turn easier. If approved, all of the cul de sac will become part of the +50' right-of-way owned by the town.

Mr. Burn, 930 Cornwall Avenue, said his house is the last on the street; the right-of-way is next to his home; and this may be where the cans will be brought up to the street.

Mr. Grimshaw has never heard anything about an environmental plan and how it interacts with this application. With trees coming down and more impervious surface, there will be an increase in water coming down off Mountain Road. He requested this be discussed at the next meeting. Mr. Grimshaw commented on the biology study which should have been done at night.

Chairman Kurtz continued the public hearing to February 24, 2020.

VI. ADJOURNMENT

MOTION by Mr. Strollo; seconded by Mr. Kardaras

MOVED to adjourn the public hearing at 9:10 p.m.

VOTE The motion passed unanimously by those present.

ATTEST:

MARILYN W. MILTON, CLERK