

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING PUBLIC HEARING HELD ON MONDAY, JUNE 22, 2020 AT 7:30 P.M. VIA VIDEO TELECONFERENCE (PER EXECUTIVE ORDER OF THE GOVERNOR OF CONNECTICUT)**

***Public access made available through live streaming on YouTube at [https://www.youtube.com/channel/UC4\\_xey3QjJmwe57R\\_6K94Dw](https://www.youtube.com/channel/UC4_xey3QjJmwe57R_6K94Dw)  
Public comments accepted at [Comments@cheshirect.org](mailto:Comments@cheshirect.org) and by voice mail message at 203 271-6638. Video will be available on Channel 14 and on demand at [www.cheshirect.org](http://www.cheshirect.org) as soon as possible.***

**Present**

Earl J. Kurtz III, Chairman; Sean Strollo, Vice Chairman; Jeff Natale, Secretary; Matthew Bowman, Robert Brucato, John Kardaras, Gil Linder, Louis Todisco.  
Alternates: Robert Anderson, Casey Downes, Tom Selmont;  
Absent: S. Woody Dawson  
Staff: William Voelker, Town Planner; Suzanne Simone, Environmental Planner

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Secretary Natale 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.

**B. BUSINESS**

- |  |                    |
|--|--------------------|
| <b>1. Subdivision Application</b>      | <b>PH 5/27/20</b>  |
| <b><u>Carol Caley, LLC</u></b>         | <b>PH 6/08/20</b>  |
| <b>South Meriden Road, Colton Lane</b> | <b>PH 6/22/20</b>  |
| <b>11 lots</b>                         | <b>MAD 8/26/20</b> |

Mr. Natale read the call of public hearing for each application into the record.

Note – Commissioner Strollo’s communication was in and out throughout the public hearing, which limited his participation.

Ryan McEvoy, P.E. Milone & MacBroom LLC, Cheshire CT represented the applicant. Mr. McEvoy stated there were some outstanding items from the last public hearing and cited them for the record.

**PZC Public Hearing, June 22, 2020 Page 2**

Engineering Department Comments – these comments have been received and addressed by the applicant.

CFD Fire Marshal – these comments have been received; applicant takes no exception to them; and will comply with CFD comments as part of the condition of approval.

Top Soil/Construction Debris stockpile at South Meriden Road – The Commission requested removal of this stockpile of soil and debris, and this has been done.

For the record, Mr. Voelker informed the Commission that Zoning Enforcement Officer Strollo visited the site and confirmed removal of the stockpile.

Mr. McEvoy talked about the adjacent subdivision, Sunrise, to the north of the subject property, and reported there were some isolated materials removed off this site and taken to a waste hauler. For the subject application, a total of about 1,000 c.y. to 2,000 c.y. will be removed in accordance with state and federal laws.

Regarding the Public Works Department list of items to be addressed, Mr. McEvoy stated this has been done and a letter received from PW Department.

Town Planner Voelker read the PW Department letter into the record.

Questions related to the stockpile of top soil and debris at the site were submitted to the Planning Department by Mr. Bowman prior to the meeting. He requested answers to his questions from the applicant.

1) MB- Chesprocott would require testing of the soil where septic systems will be installed.

Mr. McEvoy replied that Chesprocott was looking to test the well water for presence of pesticides; this is a normal request for an agricultural field; they test for iron, metals etc.

In the previous subdivision there were harmful chemicals found in the property, and Mr. Bowman said the applicant stated there would be testing due to Chesprocott requirements, not well water testing.

According to Mr. McEvoy the Chesprocott testing is related to well water.

With that response, Mr. Bowman said he was either misled or misunderstood.

2) MB – How much material will be removed for the road.

Mr. McEvoy replied it is very little. There is a fair amount of fill; two pockets of filling upwards of four (4) feet, one near South Meriden Road and one just off Colton Lane;

the remainder of the road is either one-half fill; one section is at grade; the road will be constructed and filled with material.

3) MB – The first thing during construction is removal of the top soil; there are neighbor concerns (and his concerns) on how soils will be tested if there is removal prior to construction of the road; the soil must be scraped and stockpiled.

The Commission was informed by Mr. McEvoy there is no State requirement for pesticides. There is only a State recommendation above a certain level. In this case the pesticides can be blended with soils below, where low limits are detected, and there is no expectation for exporting top soil from the site.

4)MB – How will there be testing for the pesticides, when will it be done to find any contaminated spots.

There is possibility of testing of the site, and Mr. McEvoy said it is prudent to test in an agricultural field. He does not know when this will happen, and it is a valid recommendation to get the testing done.

Mr. Bowman confirmed 1,000 to 2,000 c.y. has been removed. He said people buying these houses should know there is pollution on the property, and this is part of Planning and Zoning.

5) MB – Where will the mixing be done; where will it end up; how many times will there be testing to be sure it is below the parts per million that is required; how much top soil will be disturbed. Mr. Bowman said this is part of the PZC, and asked for this information before close of the public hearing.

Mr. McEvoy said there will be about 800 feet of new road, 30 feet wide, 2,400 s.f. or one-half acre.

It was recommended by Mr. Bowman to use 50 feet wide. He reiterated questions about stockpiling of material/where it will be, testing of material before it is removed, how the construction sequence will be handled, how to find out there is pollution on the site.

With 50 foot wide road Mr. McEvoy said it would be 40,000 s.f.; this averages 6 inches of top soil, 20,000 c.f. of material, about 1,000 c.yds. Testing can be done at any time. After the road is stripped the sub-soil can be tested and moved from the site and handled accordingly.

The Commission was told by Mr. McEvoy that Sunrise Development was tested and had material removed after the PZC approval, and this was done under the State recommendations. For the subject application it can be done post approval, on a lot by

lot basis, or not at all. It is prudent to do the testing, and it can be done before road construction, lots are sold and developed. In his experience the testing is not done before approval granted by PZC, and it has been done on other sites prudently and can be done in the subject application.

With regard to a stipulation in the approval about testing, Chairman Kurtz asked if this can take effect.

Mr. Voelker said it could be done. He informed the Commissioners that there is no reference to specific RSR which are Remediation Standard Regulations or compliance as set by DEEP. There is no reference to them in the subdivision regulations. The Commission can only ask the applicant to do what is in the regulations. The applicant can be asked to give this information as a condition of approval, but there is no basis in the regulations for holding open the public hearing until testing is done.

Comments were made by Mr. Bowman about fiduciary responsibility to people in town, those buying the houses, the contaminated soils in the adjacent subdivision, testing soils before removal and where it will be stockpiled.

Mr. McEvoy said he is aware of Mr. Bowman's concern. However, he is not a licensed environmental planner and cannot get answers quickly to the questions cited. Whenever there is dealing with an agricultural field, testing is recommended from the State. He will commit the applicant to testing the properties and the road, and no exportation of materials without proper environmental protocols. This was done at the neighboring property without PZC oversight, or under PZC direct supervision.

Commissioner Todisco stated that Mr. McEvoy has committed that testing will be done under certain protocols to achieve necessary goals...and he asked if this is correct.

It is correct and Mr. McEvoy said testing will be done and in accordance with appropriate protocols.

Depending on these test results, Mr. Todisco said the contractor will take appropriate action for satisfaction of the wells and homeowners as required for testing. He said good questions were raised by Mr. Bowman, and asked if the applicant's responses have now satisfied Mr. Bowman.

According to Mr. Bowman he is now satisfied with the responses to his questions.

Chairman Kurtz noted there can be a stipulation in the approval motion about testing of the soils.

On the testing and recommendations, Mr. Brucato asked if it is each house and well or testing of areas of the property.

The procedure is to first investigate the property, do random testing, and Mr. McEvoy said there is a look at any elevated levels, and the different ways to deal with it. There can be blending, transfer off site, buried below ground at a certain depth...with many approaches to the situation. Mr. McEvoy apologized to Mr. Bowman for his inability to have a quick answer to how, when, where to test. He has made a commitment that the applicant will follow the protocols of testing on these lots.

Mr. Bowman commented on where the road will be located and there being an extreme amount of soil up to 1,000 c.yds, and the soil being correctly tested. This area is also adjacent to the Meriden city water supply. There must be answers qualified in some way to give Commissioners ability to approve the subdivision for future residents without problems.

Town Planner Voelker read the proposed stipulation into the record.

*“There must be proper storage, treatment and testing of excavated soils in accordance with DEEP protocols prior to removal of the soils.”*

On behalf of the applicant, Mr. McEvoy had no objection to the stipulation.

Following a brief Commission discussion on the wording of the stipulation, it was agreed to remove the words *prior to removal of the soils*.

The amended stipulation reads as follows:

*“There must be proper storage, treatment and testing of excavated soils in accordance with DEEP protocols.”*

There were no public comments for this application.

Chairman Kurtz closed the public hearing.

Commissioner Bowman was recused from application #2. Alternate Commissioners Anderson, Downes and Selmont were seated for application #2.

**2. Special Permit Application**  
**Clearview Farm Preserve**  
**Phase II LLC**  
**940 Cornwall Avenue**  
**Accessory Apartment**  
**Section 30, Schedule A Permitted Uses Para 5**

**PH 6/22/20**  
**MAD 8/26/20**

Philip Bowman, 365 Finch Avenue, represented the applicant.

**PZC Public Hearing, June 22, 2020 Page 6**

Town Planner Voelker read comments into the record from the Cheshire Fire Department dated June 18, 2020.

Mr. Bowman presented the applicant and stated there is an interested purchaser of the property at 940 Cornwall Avenue, a colonial style house. The buyer wants to build an accessory unit, 823 sq.ft. on the back side of the house for occupancy by older parents who now live in Prospect CT. Comments from the CFD and Planning Dept. staff have been received and the applicant is in agreement with compliance with these comments.

The Clearview Farm development received PZC approval a few months ago and Chairman Kurtz stated there are no plans for development of the rear of the property. The subject application is a basic one for an accessory dwelling unit.

Mr. Natale noted there were concerns about the roadway and traffic with the original application, and asked about this accessory unit affecting traffic.

The Commission was told by Mr. Bowman that he is at the site every day; traffic flow is going well; there is no excessive speed or blocking of access. This accessory unit will have minimal trips and will be used by the parents of the purchasers.

Mr. Voelker stated the application meets all of the PZC regulations. There were no public comments.

Chairman Kurtz closed the public hearing.

**VI. ADJOURNMENT**

MOTION by Mr. Natale; seconded by Mr. Kurtz.

MOVED to adjourn the public hearing at 8:05 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

---

Marilyn W. Milton, Clerk