

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING PUBLIC HEARING HELD ON MONDAY, JULY 27, 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, S. Woody Dawson, John Kardaras, Gil Linder, Louis Todisco.

Alternates: Robert Anderson, Tom Selmont;

Absent: Casey Downes (Alternate)

Staff: William Voelker, Town Planner; Suzanne Simone, Environmental Planner

**I. CALL TO ORDER**

Chairman Kurtz called the public hearing to order at 7:30 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.

**V. BUSINESS**

- |    |   |                    |
|----|---|--------------------|
| 1. | <b>Zone Map Change Petition</b>   | <b>PH 7/13/20</b>  |
|    | <b><u>Lamp Realty LLC</u></b>   | <b>PH 7/27/20</b>  |
|    | <b>50 Hazel Drive</b>   | <b>MAD 9/30/30</b> |
|    | <b>From SARDD/R-80 to AHD (Affordable Housing Development)</b>                  |                    |
|    | <b>Section 44A</b>  |                    |
| 2. | <b>Special Permit Application</b>   | <b>PH 7/13/20</b>  |
|    | <b><u>Lamp Realty LLC</u></b>   | <b>PH 7/27/20</b>  |
|    | <b>50 Hazel Drive</b>   | <b>MAD 9/30/20</b> |
|    | <b>Construction of a 114-unit affordable Housing development (2 residential</b> |                    |

Comments and Questions received from the public (July 13<sup>th</sup> and July 27<sup>th</sup>, 2020 public hearings) were read into the record. The letters, e mails, petitions are included in the application file in the Planning Department. The list of name is attached to these minutes.

Chairman Kurtz stated that the Commission has heard from many people about traffic, parking, sidewalks and other concerns, and does not have the time or want to hear the same issues over and over again. Mr. Kurtz requested members of the public to not send in repeated comments, and said only new comments will be read into the record.

Ms. Simone read the comments from the Cheshire Fire Department into the record.

Petitions – The stop zone change petition had 152 signatures; 33 were from out of town, and 3 had no address; the petition to hold in person hearings had 165 signatures; 31 were out of town; a petition dated 7/24/20 had 23 signatures with 12 out of town.

Ms. Simone read comments/questions from the following people:

July 13, 2020 – Denise Bastin, Linda Batza, Michael and Kathleen Catlin, Richelle Crino, Danyell Danielson, Robin Edmond, Stanley Edmond Jr., Dennis Fox, Jeff Repko, Jessica Repko, Judith Slisz.

July 27, 2020 – Denise Bastin, Frank Bastin (2), Tess Bastin, Linda Batza, Francis J. Blacker, Gary Carter (2), Mike Catlin, Richelle Crino (2), Lynn Dawson, Robin Edmons (2), Stanley Edmond Jr., Dennis Fox (3), Emma Fox, Sean and Christina Ghio, Lilly and Charlie Kendrick, Ashley Romero (4), Karen Schnitzer, Lulefer Vinca (2).

Attorney Joseph P. Williams, Shipman & Goodwin LLP, New Haven CT, Land Use and Environmental Attorney, represented the applicant, Lamp Realty LLC.

Attorney Williams cited the names of other representatives for the application:

John Cruet, Jr. A.I.A., Guilford CT;

Ryan McEvoy, P.E. Milone & MacBroom Inc. Cheshire CT;

David Sullivan, Traffic Engineer, Milone & MacBroom Inc.

Attorney Williams reported that the applicant has submitted multiple documents to the Commissioners, the public, and Planning Department staff in response to issues raised with the subject application. Lamp Realty has tried to be a responsible neighbor, has listened to the comments, has reached out to the neighbors, has sent e-mails to neighbors asking if more time should be spent on a certain issue or address a particular question. The team has responded to every question from Commissioners, except for one (1) which will have a response at this public hearing.

David Sullivan, Traffic Engineer, Milone & MacBroom, addressed some of the outstanding questions related to traffic issues at the subject property. He has read and addressed the issues cited in most of the correspondence. The comparison between

the prior site use as a nursing home and proposed residential use shows the traffic numbers are close with +4 trips in the a.m. peak hours and +10 trips in the p.m. peak hours. There is no substantial change in the amount of traffic.

Sight Lines – The State has cleared some of the sight lines, and it has been demonstrated that with adequate trimming the sight lines are adequate. The issue of sight line maintenance/trimming and how often it is done will be discussed with the State DOT. The applicant will work with the district maintenance office on the protocols and get more efficiency for maintaining sight distance.

Parking – Many questions were raised about parking. There are three (3) series of data.

- ITE statistics for all multi-family housing regardless of size shows 149 parking demands. ULI takes the 85<sup>th</sup> percentile, segments data by size of units, and looking at this data the average parking demand is 130 parking spaces.
- The applicant's data with 60 data points, most in Connecticut and regional data, estimates 143 parking spaces.
- All three series are in the 130-150 range.
- 183 parking spaces being initially proposed; the rest will be built, as needed; and the applicant believes 183 spaces will be adequate.
- There have been comments about parking spaces for visitors and service vehicles, and these are included in the cited data.
- 228 spaces are required under the regulations, 2 parking spaces per dwelling unit.
- 45 deferred parking spaces (and their location) are requested in the application.
- There are 183 parking spaces proposed, ratio of 1.6 per DU; the unit matrix is weighted towards studio and one(1)bedroom units.

There have been some threads regarding parking. Residential Parking; DOT process, plan clarification, dealing with the Office of State Traffic Administration (OFTA); local traffic authority is the CPD Police Chief who represents the Town; Chief will submit an itemized list of concerns to be addressed with DOT.

Traffic Study – This study is looking for impact of existing conditions. It has been found there will be no change in operating conditions; there are no safety concerns that exist or will be exacerbated with the statistics; there have been anecdotal discussions about Waterbury Road which will be turned over to the DOT.

Measuring and How Measured – Mr. Sullivan reviewed the information. The driver's eye assumption is being 15 feet from the travel lane; this 15 feet is from the edge of the white shoulder line...go 15 feet into Hazel Drive and this is where the driver would be sitting.

Pedestrian Access will be to sidewalk on the west side of the road, connected from the site to the roadway system to get safely across the street to Waterbury Road.

Chairman Kurtz stated the applicant can bring some of these issues to the State OSTA. He asked for assurance that the sidewalk issue be brought to OSTA, especially regarding school buses and student safety. He stated the Town must look at the sidewalk, which is buried with trash and debris, and this is something which must be done.

It was noted by Mr. Sullivan that the sidewalk on the west side is about 15 feet short of getting up to the Waterbury Road proper. This sidewalk is difficult to see as it is covered by brush and debris, and needs to be day-lighted. The issues cited will be addressed with the DOT as they will want to understand why the applicant wants to install sidewalks right away. The concerns of the Police Chief will be brought to the DOT, and Mr. Sullivan will discuss everything with him.

The issue of how many visitors and service vehicles will be on the site and use parking spaces was raised by Mr. Natale.

It was explained by Mr. Sullivan that visitors are on site during the day light and early evening hours using parking spaces. Service vehicles are on site during the day time hours; most residents are gone during the day, and their spaces are used. The residents use the most parking spaces overnight; during the daylight hours residential parking comes down. There can be some research on the visitor and service vehicle use of parking spaces. The parking spaces are 9 ft. x 18 ft.

Mr. Natale talked about the total number of parking spaces planned – 183...the number of parking spaces per dwelling unit (DU) per the affordable housing regulations. He is in favor of two (2) parking spaces per DU; a one (1) or two (2) bedroom unit could have two (2) or three (3) people per unit, and two (2) spaces are needed; an efficiency/studio unit could have two (2) people living in it and need two (2) spaces.

The Commission was informed by Mr. McEvoy that the proposed number of parking spaces is 40 to 50 beyond what statistics suggest. The applicant is applying the logic that the number of spaces is well above suggested statistics, and there is explanation of how 228 spaces would be accommodated on the site. The number of spaces was included as part of the IWW application and drainage analysis to the WPCA.

Mr. Sullivan explained that ITE does not discriminate between studio, one or two bedroom units...it figures out the parking based on the number of units. ULI has a studio/efficiency unit with one (1) space; two bedroom unit with 1.8 spaces; and one bedroom unit with 1.05 spaces.

According to Attorney Williams the developer is looking at one (1) car for each efficiency unit. A two bedroom unit would have two (2) cars. He said there is no exact science for designation of number of parking spaces per DU.

The applicant is looking for 183 parking spaces. Mr. McEvoy said with all conditions considered this meets the parking demands. 228 spaces were included in the IWW presentation; some of these spaces are unnecessary for the site, will increase impervious surfaces, and limit opportunity for additional vegetations.

Mr. Strollo sees parking problems for holidays and gatherings and believes the extra spaces are a necessity, and should not be deferred. For the traffic study, he asked when the study was done, i.e. January or February with normal traffic.

The Commission was informed by Mr. Sullivan that the traffic study was done prior to the pandemic situation in March.

Due to people being at home more, Mr. Strollo said this fact should be taken into consideration for the parking situation. A one bedroom or efficiency unit could have more people, with cars, and all parking spaces would be necessary from the start of the development.

The statistics are solid, and Mr. Sullivan said the demand is 140 to 150 parking spaces. There will be 183 spaces available, which is a reserve of 30 to 40 spaces. He noted there is identification of where the deferred/additional spaces would be located.

Mr. Anderson cited data from ITE at 149 spaces, ULI at 130 spaces, and MMI at 143 spaces. He is hearing anecdotes versus data, and he would go with the data. He commented on adding more spaces means increasing the size of this development, and the Commission making sure it fits the character of the neighborhood. He does not see how adding 7 or 8 single family homes with impervious surfaces would do that.

Regarding anecdotes versus data for parking, Mr. Sullivan would go with data, as anecdotes can create problems.

The daily trip generation increases 40% and Mr. Brucato said if totals are combined it went up 18%, and he asked about the discrepancy.

Mr. Sullivan noted that nursing homes have different travel patterns; most of it is shift work; peaks do not drift out through the whole day; residential traffic leaves the site while nursing home traffic comes and goes.

Mr. Brucato asked about the steel guard rail, school bus stop, and children waiting for the school bus.

With regard to the steel guard rail and sidewalks and stop line from the white line on RT 70, Mr. Sullivan said the line is 15 feet back.

School Buses and Student Safety – The school buses do not go down side streets; they stop at intersections; they will stop for Hazel Drive with blinking lights for student pickup. At this time no buses stop at this location this school year. The bus company will not want children standing in an unsafe area, so there could be a terminus at the sidewalk with students walking safely to the bus.

The issues about snow conditions, plowing, and student safety was raised by Mr. Brucato.

There is sidewalk at the end of the right-of-way for Waterbury Road, and Mr. McEvoy said the GIS shows it accurately. It cannot be seen today. It terminates at the paved portion of Waterbury Road, about 20 to 30 feet.

Chairman Kurtz commented on the fact that the property owner will have to do some work on maintaining this sidewalk.

Stating his agreement, Attorney Williams advised that the property owner is willing to do the initial/one-time cleanup and maintenance on this sidewalk if the development is approved. The sidewalk maintenance is likely within the town's right-of-way and would be its obligation.

John Cruet, Architect, addressed the Commission questions on the roof area. Mr. Cruet explained that when a pitched roof is at 4 and 12 there is a marginal increase in the flat area. It started at 15,200SF, and when calculated with the two buildings it is 16,170SF.

Drawings with dimensions were issued. With regard to the height of the buildings, Mr. Cruet stated the height of the three-story part to the peak of the highest portion of the roof is about 48 feet. The back from ground to the peak of the roof is 56 feet. These drawings were issues to Mr. McEvoy for clarification on building height questions.

It was pointed out by Mr. Brucato that there is a 50 foot height restriction, and he asked if this is from the lowest point, highest point.

In response, Mr. McEvoy said the average measure is from the peak of the roof to the average grade. The subject application building average grade is 540 feet; peak of the roof north to south is 588 feet; this is 48 feet higher. The numbers are to the top with architectural features over the edges; regulations allow for minor architectural features such as this not being considered for building height. The calculations used the peak of the roof along the north to south lengthwise across the majority of the building. This is 588 and puts the building height at 48 feet per the regulations. There is a 29 foot difference between the nursing home building (559 feet) and proposed buildings (588

feet; there is a pitched roof on the subject buildings; there is a difference in story elevation.

Ryan McEvoy, P.E. Milone & MacBroom, stated the applicant received CFD comments and has no exceptions to them. The applicant provided CFD with a truck turning movement through the site. CFD wants to drive through the site to determine if there are any additional considerations for curbs they may wish to see on the site and adequate space for their ladder truck. There might also be some landscaping adjustments.

An 8.5x11 graphic was prepared showing additional crosswalks, including one to Hazel Drive sidewalk, and additional sidewalks on the subject property, and other crosswalks.

Neighbor have cited concerns about plantings, vegetation and wild life. There has been review of site clearing of forested land; there is little in the way of habitat; no listed species from NDDB; wooded areas will be cleared; the site is one acre of land; everything is consistent with clearing for homes in an R-20 zone. Three-fourths (3/4) of the property will have no development; this includes the wetland area and all remaining areas on the eastern quarter contiguous with town open space.

Landscaping – The applicant proposes a robust landscaping plan; it includes hundreds of shade trees, flowering trees, Maple Trees growing +20 to +30 feet high, many plantings around foundation of buildings, Evergreen trees along edge of parking between buildings... Spruce trees to 50 feet tall. With additional parking these trees will have to be shifted. Dozens of additional plantings will be planted between buildings which will be an expanded buffer between buildings and pond. Trees also help with noise abatement.

Pond – The issue of liability issues for pond use was answered by Mr. Williams.

Attorney Williams stated he is uncertain if neighbors use this pond now. There has been discussion about people's access to the pond; there was a comment about providing access to the hiking trails; no proposal or request has been made, and the matter is open for discussion.

Mr. Linder questioned tree plantings on the back of the property, some to be planted on the western building...and why not the other building.

The area on the right hand side provides access to storm water basin, and Mr. McEvoy has concerns about excessive vegetation in this area. There is also a vegetation wetlands area between this building and properties on the opposite side of the lake. The existing wetlands provide substantial visual buffer.

Commissioners had a discussion on noise generation reduction, wetlands being a natural barrier to cut down on noise that could affect residents across the pond, trees

providing some noise abatement, sound going over a body of water...and whether the State has a sound ordinance, and if a sound study could be done. And, it was stated trees that grow tall and can mitigate impact and reduction of sound.

Attorney Williams confirmed that the State has a noise ordinance. Noise cannot exceed 55 decibels in daytime and 45 decibels in quiet hours if a commercial use borders a residential use. This goes from 11 pm to 7 am Monday through Saturday, and 9 am on Sundays. He has not seen this applied to two neighboring residential uses where a use could generate unusual or destructive amount of noise to a neighbor. He said sound can carry greater across water.

Mr. Linder asked if the proposed trees can maximize the reduction of sound, and if they will grow quite large and mitigate the impact of the multi-story building.

If the Commission felt there should be more deciduous trees, Attorney Williams said this can be addressed. Between buildings and parking areas there are many Evergreen species proposed. If the request is to add a few more Evergreen species between the south building and pond area, or intermix the trees, a landscape artist will look at this.

Lighting Plan – Mr. McEvoy said the lighting plan has been submitted. It shows the impact and 100% capacity of illumination for parking, walkways, driveways, and reduces glare as much as 40%. The lights are dimmable with motion sensors and reduce output unless a car or pedestrian is detected.

Building Height – was discussed earlier in the meeting.

Zone Change Map Updates - An analysis of the zone map change was done with respect to the petition generated by property owners and neighbors. It was analyzed with respect to CGS 8-3B for triggers for different voting thresholds for zone map changes. The burden exists when property owners within 500FT of the site petition in opposition to the zone change. The zone change map was modified to show which properties had owners sign the petition; which properties included tenants, or people listing their address as one of the properties. The eligible properties with respect to the statutory requirements for voting purposes represent 8.65 acres out of 80+/- acres that exist within 500FT of the subject property. In terms of statutory requirements for enhanced zoning threshold, the petition does not reach this level of the CGS 8-3B threshold.

Ms. Downes asked about the plantings, taking out invasive species, and if all native species are being put in for landscaping.

The Commission was told by Mr. McEvoy that plantings are primarily native species, along with shrubs and ornamentals, all non-invasive, and species that will not drown out other areas of the property. It is possible for all native species to be put in, and this will be taken into consideration and reviewed with the landscape architect.

Attorney Williams said there would be no problem doing this.

Regarding Lakeview Drive and Larson Avenue, Mr. Brucato asked about their possible extension in the future.

Town Planner Voelker advised that with respect to any property owned by this applicant as part of this application, including the zone change...they cannot develop any more of the property. It is all excluded. It is part of the calculation on net buildable acres, and the property cannot be used for any other purpose.

The white property on the map was cited by Mr. Brucato who asked if this is part of the subject application.

Mr. McEvoy stated all property in white did not have any participation in this application.

Their properties are cross-hatched, and Mr. Voelker said this is now a split zone; most is in the SARDD zone; SARDD only applied to a certain part of the property; the rest is R-80 zoned.

Mr. Todisco said that anything the applicant can do with separation by vegetation, trees, fencing between parking lot and pond will make neighbors happy. He asked if this property can be seen from Haze Drive at this time, and if the apartments will be visible once the project is finished.

The property will be visible when the project is completed and Mr. McEvoy said over time vegetation/landscaping will grow and reduce visibility.

Regarding the lighting plan, Mr. Natale asked about lighting pollution.

In response, Mr. McEvoy noted regulations require 14FT maximum, full cutoff lights, lighting directed downward, and illumination meets the regulations. The motion detection element is unique.

There is a trail going along the pond with a 4 FT drop, and Mr. Selmont asked if there will be a railing or fencing or safety devices, which would be ideal and provide safety for everyone.

This will be looked into and Mr. McEvoy said there is a 4FT vertical change along the edge of the pond, and this is not inviting. There will be a look into a safety railing, and there is no lighting or pathway for the pond.

#### SUMMARY

Attorney Williams thanked the Commissioners and Town Staff for their diligence and professionalism and time with this application. Lots of information has been given to

the Commission and staff. He walked through and reviewed the main facts presented for the application.

The standard for approving both the zone change application and special permit application is essentially the same as set forth in the Affordable Housing District regulations.

Attorney Williams read an excerpt from the AHD regulations...*"The Commission shall approve the application unless it finds that denial of the application is required to protect substantial public interests in health, safety or other matters that the Commission may legally consider. Such public interests clearly outweigh the need for affordable housing and those public interests cannot be protected by reasonable changes to the petition."*

Attorney Williams posed the first question for the Commission in deciding the two applications...*whether the denial of these applications is required to protect any substantial public interest of health, safety or other powers.*

Attorney Williams cited the following facts for the record:

He stated the evidence shows no such public interest requiring denial of the applications. It is not aesthetics, which would be unusual to be held up to that level in this type of application. What the applicant is proposing is material improvement to the property, removing a blight in the neighborhood by doing so. Cheshire is a wonderful suburban community, well maintained, and this property over the years meets the definition of blight. The applicants, his clients, are proposing to make a substantial investment in this property to eliminate that blight. They propose to do this with an attractive two (2) buildings which comply with the town regulations, and specifically with the Cheshire regulations for the design standard to appear residential in character. It is designed, it will be built and maintained to function well, rent well, and be attractive long term, and is complimented by a landscaping package and substantial natural buffer.

There are no environmental or engineering issue that arises to the level of substantial public interest. The development plans are approved by the WPCA for sewer capacity and IWW which voiced no habitat related concerns. The applicant is proposing a compact development site in less footprint than the existing buildings within the already disturbed area; moving buildings and parking away from the wetlands and pond on the site. The applicant is maintaining a portion of the parcel untouched. This will be on a site with apartment buildings on two sides, and important to remember. The Commission has heard almost entirely from single family neighborhoods that abut one portion of the site (one side of the site). There are two apartment developments that already abut this property on two sides. There will be a new storm water system that complies with modern standards with better water quality discharge to the pond.

The applicant has worked entirely within the Cheshire regulations and is not challenging the Commission. The proposal is for less density which the regulation allows (147

units). There is compliance with the parking standards by designing a parking area allowing two (2) spaces per unit. The applicant is not asking for an exemption or waiver; has shown where the two (2) spaces can be put per unit; believes it makes sense, environmentally; and based on all the data (and traffic counts) to wait on construction of 45 parking spaces. If the Commission states a need for these extra 45 spaces they will be properly installed.

The applicant is adding a crosswalk, and other than this there was no need or request to change the facts. The applicant and representatives have worked with Town staff throughout the process. There are no critical comments from Town staff/Engineering, Fire or Police Departments. All comments are viewed as minor and reasonable which the applicant can satisfy easily.

There are no traffic issues which arise to the level of substantial public interest which would require the Commission to deny the applications.

Connecticut General Statutes, AHD 44A7.2 – Attorney Williams read an excerpt of the statute into the record.

*The Commission shall consider whether on site and resulting off site traffic and circulation patterns create traffic safety hazards or substantial traffic congestion within the AHD or at intersections of AHD access drives and existing public streets.*

This means the Commission has a statement in the regulations that its consideration/focus will be on property and access drives that intersect with the adjoining street. In the regulation it notes that a site being within 500FT of Waterbury Road is required for it to be eligible for consideration for zone change to AHD per (Section 44A.1). The Commission defines the appropriate property is for AHD zoning by proximity to Waterbury Road and access from Waterbury Road. Mr. Williams reiterated the fact that Waterbury Road is a State highway, built and designed by the State DOT. The DOT has ultimate jurisdiction over the road and intersections...and will decide what speaks for safety, have discussion and propose conditions to applicant to be undertaken by virtue of the number of dwelling units in the development, and make application to OSTA. If the applications are approved, Mr. Williams advised this is the next thing to be done, bringing forward concerns and comments of the CPD Chief.

Intersection of Hazel Drive and Waterbury Road – This intersection operates at a level of service “C” right now, and will continue to operate at “C” level. There are no accidents cited at this intersection over the last three (3) years; and sight lines were recently restored at this intersection by trimming back vegetation. At the sight driveway with Hazel Drive the level of service will be “A”. There are no sightline problems, and no accidents to speak of. What the applicant proposes for the peak hours is just a minor change from traffic generated by the nursing home.

Attorney Williams submitted to the Commission that there is no cause to deny the application over traffic issues.

The second factor is looking at whether there is substantial public interest that clearly outweighs the need for affordable housing. Attorney Williams said under the regulations this second hurdle must also be met otherwise the Commission said it shall approve the applications. He noted the language says it must clearly outweigh the affordable housing, and a close call is not enough...it must be some daylight between public interest and need for affordable housing. The need for affordable housing is well documented, clear and substantial...and the applicant submits there have been no issues which outweigh the need for affordable housing.

The third factor is whether there is substantial public interest that cannot be protected by reasonable changes to the application. Attorney Williams noted there are issues that already satisfy the first two hurdles...and reasonable changes were made to the proposal during design phase and discussions with Town staff. Other changes to the plan have not been requested during the hearing, other than adding a crosswalk. There is no evidence before the Commission demonstrating additional changes, except for minor landscaping. Both applications satisfy all the requirements and standards for an affordable housing development application, satisfy all applicable zoning regulations.

Zone Change Application – Attorney Williams clarified that to vote on the zone change, the Commission does not need 2/3rds of members to approve. The analysis provided shows the protest petition cites the area of the parcels, which had all the owners of those parcels, falls short of 20% of the area of those lots.

In closing, Attorney Williams offered the following:

- That by approving the applications, the Commission will be following the goal of the Plan of Conservation and Development (POCD); showing the community the Commission meant what it says in wanting to work collaboratively with private sector development by providing affordable housing in an alternative to Section 8-3G.
- The Commission agrees to allow an investment in Cheshire's future which will provide substantial improvements to and economically revitalize a dilapidated property, benefiting the community by helping fill a need for moderately priced housing.
- In the survey, the community supports this housing need.
- The Commission will be allowing his client, the applicant, to make available a nice, new place, affordable place to live for teachers, firefighters, police officers and other workers in a great town like Cheshire.

Attorney Williams respectfully requested the Commission approve both applications.

Town Planner Voelker informed the Commissioners that the motions for Zone Map Change Petition and Special Permit Application will be prepared with review by the Town Attorney as to form. The Commissioners can amend the motions when they are put on the floor for discussion and action.

Chairman Kurtz stated the applicant has agreed to do all the stipulation items suggested by the Commission.

Regarding the 2/3<sup>rd</sup> majority or simple majority to approve, Mr. Voelker advised that the Town Attorney agrees with Attorney Williams, and 2/3rds vote is not required. There have been multiple petitions, some with out-of-town signatures. The Town Attorney's opinion is that electronic signatures and notarizations are authorized. Should an action be taken that raises this as an issue, the matter will stand based on the way the executive order is applied.

For the landscape plan and planting of native species, Mr. Kardaras said any plants and trees can be used as long as they conform to the zoning regulations.

Mr. Voelker noted requirements are loose regarding landscaping plans; amendments can be requested by the Commissioners; and most of the proposed plantings are native.

The issue of a noise study was raised by Mr. Brucato, who thinks there should be planting of Arbor Vides for lowering noise levels.

Mr. Voelker reiterated the fact that the applicant has stated that much will be done to augment the landscaping plan and noise levels. He stated the applicant has agreed to do everything requested, and staff will insure this is all in the motion.

The applicant, Lamp Realty, and Attorney Williams were commended by Mr. Linder for a well thought out and concise summary and closing of the application.

Before closing the public hearing, Ms. Simone reported 24 more comments were submitted, and all are similar to prior comments received. She read one comment from Richelle Crino into the record.

3. **Special Permit Application**  
**Richard Chevrolet/Jill Silverman**  
**Highland Avenue**  
**To Construct a new building and parking**  
**Area for Richard Chevrolet**  
**SCHEDULED FOR PUBLIC HEARING UNTIL 9/14/20**

## VI. ADJOURNMENT

MOTION by Mr. Brucato; seconded by Mr. Kardaras.

MOVED to adjourn the public hearing at 10:40 p.m.

VOTE        The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk