

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING PUBLIC HEARING HELD ON MONDAY, NOVEMBER 23, 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 message prior to the meeting 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; Robert Brucato, John Kardaras, Gil Linder, Louis Todisco.

Absent: Matthew Bowman

Alternates: Robert Anderson, Casey Downes, Tom Selmont

Absent: S. Woody Dawson

Staff: William Voelker, Town Planner; Suzanne Simone, Environmental Coordinator; George Noewatne, PW Director

**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. **Earth Removal, Filling or Regrading Permit**  
**Joseph Nosal Jr.**  
**Fieldstone Court**

**PH 11/09/2020**  
**PH 11/23/20**  
**MAD 01/27/20212**

Darin Overton, P.E. Milone and MacBroom represented the applicant. The site plan for the application was displayed. This is an earth removal, filling and regrading application. Several concepts were looked at for this property with little tenant interest. The property owner, Joseph Nosal, is a contractor, and he has access to fill. Fifty (50) feet of the property is level with the road.

Mr. Nosal wants to clear the lot and place the fill to create a more readily available pad site. The application is filed to give the owner the ability to place this fill. IWW has determined no permit is needed. Comments from the engineering staff were received, and revisions are made to address those comments. There are no other outstanding issues relative to this application.

In response to a question from Mr. Natale about working outside normal hours, Mr. Overton explained the applicant has requested to work on Saturdays. The nearest residential property is on Reinhard Road.

Chairman Kurtz stated there is one house next to the tree farm, and that could be the closest residential property. There are no abutting residences; this is an industrial area with no more houses near the facility.

There were no public comments. Mr. Voelker advised that Cheshire Fire Department comments will be submitted when there is a building proposed for this property. Chairman Kurtz closed the public hearing.

**2. Special Permit Application**  
**Scott Farguharson/Baybrook Remodelers**  
**61 Roslyn Drive**  
**Accessory Apartment**

**PH 11/23/20**  
**MAD 01/27/2021**

Mr. Farguharson from Richard W. Plain L.S. represented the applicant James Cooney, property owner. This is an application for an accessory apartment at 61 Roslyn Drive. It will be a one story 30 FT x 24 FT addition/apartment for Mr. Cooney's mother.

With regard to the site view showing a storage area under the apartment, Mr. Farguharson explained there will be a basement with storage. The basement will be accessible from the main house.

Mr. Voelker read comments from the Cheshire Fire Department dated 11/17/20 into the record.

There were no public comments.

Chairman Kurtz closed the public hearing.

**3. Special Permit Application**  
**Town of Cheshire/Public Works & Engineering**  
**1325 Cheshire Street**  
**To construct a 350SF precast bathroom building**  
**With associated parking area in Quinnipiac Park**

**PH 11/23/2020**  
**MAD 01/27/2021**

PW Director Noewatne presented the application. Mr. Noewatne stated the Public Building Commission (PBC) was looking at installation of precast bathrooms at Quinnipiac Park between the playground and skating area along the access road to the treatment plant. This would be a 300SF to 350SF building; there will be two (2) fixtures on each side of the building; there will be two (2) handicapped parking spaces; the building will have public water and sewer; exterior will be brick façade, and will be similar to the facility on the Linear Trail. There is another bathroom at the far side of the park. Mr. Noewatne said the PBC and Parks and Rec Director Gawlak were forward thinking on this project.

Mr. Dawson stated this is a good move as there is a need for a new bathroom facility at this park, and the plans indicate a good job.

Mr. Brucato stated this is a good project that is needed at the park.

There were no public comments. Chairman Kurtz closed the public hearing.

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| <b>4.</b> | <b>Special Permit Application</b><br><b><u>DeGennaro Development &amp; Construction LLC</u></b><br><b>Wiese Road &amp; Academy Road</b><br><b>Earth Removal Waiver, Section 25.5(9)</b>                  | <b>PH 11/23/2020</b><br><b>MAD 01/27/2021</b> |
| <b>5.</b> | <b>Earth Removal, Filling or Regrading Permit</b><br><b><u>DeGennaro Development &amp; Construction LLC</u></b><br><b>Wiese Road &amp; Academy Road</b><br><b>Waiver Subsection 9 under Section 25.5</b> | <b>PH 11/23/2020</b><br><b>MAD 01/27/2021</b> |
| <b>6.</b> | <b>Resubdivision Application</b><br><b><u>DeGennaro Development &amp; Construction LLC</u></b><br><b>Wiese Road &amp; Academy Road</b><br><b>22 Lots (Orchard View Subdivision)</b>                      | <b>PH 11/23/2020</b><br><b>MAD 01/27/2021</b> |

Attorney Anthony Fazzone represented the applicant. Mr. Fazzone said this is a 21-lot subdivision on two (2) properties totaling 34+ acres, with frontage on Wiese Road and Academy Road. There is grading adjacent to Wiese Road and Academy Road; the grading is minor to meet the grades of these roads; and is the purpose for the waiver request. The application has been before IWW. Based on discussions with IWW an alternative dealing with the major drainage basin is being proposed.

Ryan McEvoy, P.E. Milone and MacBroom, presented the applications. The development is for a 21-lot residential subdivision in an R-40 zone on 34 acres (two properties) under the same ownership. One property has frontage on Wiese Road

and the other property has frontage on Academy Road, and they will be referred to as one (1) parcel as the subdivision will cross over both roads.

The eastern half, along Wiese Road, is agricultural hay field, with rolling topography rising up to elevation of 252ft., with grades descending to the north towards the pond that extends along Honey Pot Brook.

The western portion of the site is dominated by forested areas that abut Cheshire Academy campus, with rolling topography with portions of the site draining towards Academy Road and Honey Pot Brook.

An IWW application was submitted and the applicant awaits the IWW decision which should come at the December 1<sup>st</sup> meeting.

The property has public water available on Wiese Road; public sewer is not currently available on the site; the property will be served by private septic systems.

The 21-lot development is a single family residential subdivision. Sheet SP-1 was displayed on the screen. Mr. McEvoy pointed out the roadway network serving the roads, beginning off Wiese Road in the central portion of the property. It follows existing topography to the extent possible; road grades do not exceed 7%; the road is extended to the west/to the south to be a through road connecting with Academy Road.

- A small cul de sac will extend into the interior of the site to serve some of the lots
- Public water and private septic systems serve the lots
- Public water will be extended from Wiese Road through the roadway network out to Academy Road; in accordance with the regulations it extends easterly/westerly along Academy Road to the limits of the property
- The roadway network is designed in complete conformance with the regulations
- No waivers are requested
- Drainage is being conveyed from the road to four (4) separate basins; two (2) will serve as formal storm water retention basins; two (2) are smaller and will serve as water quality basins to cleanse the storm water

Roadway – There is a request for an earth removal/grading application as part of the application. Grades will be matched to the maximum extent possible. There is 2,600 linear feet of total road. The road along with storm water management basins will total about 10,000 CY of cut and 8,000 CY of fill; the net will be 2,000 CY.

The waiver request is associated with two (2) storm water basins...one (1) located off Academy Road and one (1) located off Wiese Road. The basin off Wiese will be the same grade as the road, about one (1) foot below. Basin by Academy will be below the road; the grade drops off into the site about eight (8) feet. Minor amounts of earth work

will be within 50 feet of the property line, and minor work will be associated with construction of the road.

Sight Lines from the roadway – The intersection with Academy Road is placed to maximize sight distance to the west. There is a high point along Academy Road that does disrupt sight lines. The roadway location is placed 500 feet to the east, and there are no obstructions, vertical or horizontal, to the west towards Wiese Road for at least 550+ feet.

Wiese Road – The development enters onto the part of the road that is long and straight; there is limited clearing, particularly to the north; there are no issues seeing 450 feet north and south, 1000 feet to the north, 800 feet to the south...there are maximum sight lines.

Mr. McEvoy said there was notification to the Regional Water Authority, RWA, as a small portion along Academy Road does drain to their water shed. Comments were received from Anchor Engineering, and they are addressed with revised plans submitted to PZC. There is one minor Fire Department comment to be addressed about the size of the water main.

The applicant is looking to provide relocated storm water basin on the north part of the property. On the map the catch basin along Honey Pot Brook was changed to the area of lot #3 per IWW, and they were favorable to this location. IWW approval is expected on December 1<sup>st</sup>. Subsequent to IWW approval the applicant will revise plans showing the storm water basin closer to the roadway and minor shifting of the lots to allow for the basin to be closer to the road without changing the lot count.

The revised plans allow for the basins and dam to be located within property owned by the Homeowners Association. This makes it easier for maintenance of the basin and also for the dam, which is controlled by DEEP. This dam is subject to inspections by DEEP, with one required in 2021, and HOA ownership is an advantage.

Mr. Strollo asked about any State comments regarding coming out onto RT 68/70; what if the State says “no”; this is a main roadway with cars coming out on the road.

The Commission was informed by Mr. McEvoy that the State will not weigh in on roadway locations until the Town has acted favorably on it, or the Town requests a review of driveway locations. If the State says “no” then the applicant will return to the PZC with a revised location. The State does not get involved with local applications until PZC approves an application. With a staff request, DOT will give information. Mr. McEvoy does not expect DOT will deny the road location. No major traffic is generated; it is simply a curb cut encroachment permit required at the local district level. The estimated distance coming out RT 68 and Wiese Road is about 1,000 FT; the road

coming out Cheshire Academy is several hundred feet to the west. The Fire Marshal's office/CFD needs access off Academy Road to provide fire service, and the development is at the crest of the high point...30 to 50 feet.

The establishment of sight lines was questioned by Mr. Natale who visited the site. The Commission was informed by Mr. McEvoy that the MMI team established the sight lines. They chose the location because of sight line constraints. There is a high point, and the location allows a vehicle 3.5 feet up to easily see over the high point to the center of town. Going 50 feet to the east you cannot see over the high point. The new road will be at the same grade as Academy Road, and there will be fill in this area to make it level.

Homeowners Association and the Dam – The town is not liable for the dam on the property. Chesprocott had some perk test issues, did most of the testing, but had concerns they were not shown on the plans. There is a standard statement on the plans about the testing, and the revised plans will be reviewed with the health district.

Anchor Engineering is looking for more light poles and more clarity on the plans for responsibility for the dam and maintenance by the HOA. Mr. McEvoy said everything is straight forward with nothing of concern.

Ms. Downes talked about the opening at Academy Road and not making this a dead-end off Wiese Road. She also asked if this will be a town road for approval. She said the road is dangerous and unsafe, and questioned having anything in this area. It would be safer with entering and exiting onto Wiese Road.

According to Mr. McEvoy the road is designed to town standards, and upon completion will be requested to be accepted by the Town Council.

Town Planner Voelker cited the fact that there are density issues, and there cannot be 21 lots on a cul de sac.

With regard to CFD and discussions with the Fire Marshal, Mr. McEvoy said emergency vehicles serving these properties will be coming from the center of town. The CFD and CPD have concerns about having a better approach from a safety perspective. Placement of the road addresses the matter of sight lines.

Ms. Downes asked how many houses can be on a dead end street.

Mr. Voelker stated in the R-40 district the limit is 16 lots.

It was noted by Mr. McEvoy that this does not include the houses beyond so there could be 18 lots. There could be opportunity for a driveway to come off Academy Road. The

proposed layout does not create density. The roadway system is proposed to minimize safety concerns and for emergency services. CFD would not be in favor of a cul de sac coming out to Wiese Road.

Ms. Downes has issues with traffic, stopping to take a left down the hill...which is dangerous, and believes bottle neck is created with 22 houses driving in and out.

Condition of the Dam – Mr. Brucato asked about the dam conditions, whether it is in good shape or should be rebuilt.

There is a 1996 report on the Dam, and Mr. McEvoy said it was in good structural shape, with concerns about too much vegetation and repair at the bottom of the spill. There are no major issues with the dam. The next scheduled DEEP inspection is by end of 2021. There are no trees growing through the dam; the spillway is in good structural condition.

For parcel A, Mr. Brucato asked if it will be totally cleared.

Mr. McEvoy replied there is no need to clear every lot.

Mr. Natale asked about the tree line being left on Academy Road.

It is not too much vegetation, and Mr. McEvoy noted the Academy maintenance building is down about a 20 foot grade change from the property line. The 50 to 100 foot buffer will be left.

According to Mr. Natale the corridor starts with the new lots. He asked about a substantial buffer between the current lots and proposed lots.

Chairman Kurtz posed a question about the houses near the pond and a buffer.

That would be up to the IWW and Mr. McEvoy said these lots will have part ownership of the pond and will want to get to it and use it. A 20 foot strip is proposed for pond access.

There are Cheshire Academy ball fields and stands in this area, and Mr. Brucato asked about the noise from events and the tree lines to reduce noise to the neighbors.

Mr. McEvoy advised the houses will be several hundred feet away from the ball fields. He does not think with the maintenance building and ridge line there will be substantial amount of noise from the Academy. He is unaware of any significant noise coming from the Academy property. The applicant will not clear to the property line.

Mr. Voelker read Cheshire Fire Department comments dated 11/2/20 into the record; Anchor Engineering comments dated 11/16/20. There were no public comments.

Homeowners Association – Attorney Fazzone explained the following:

- An HOA will be formed
- There will be a declaration for each homeowner to be received at signing of the purchase contract
- Purchasers will know there is an HOA and the obligations under the declaration
- At closing each property owner will be asked to sign a letter indicating there is an HOA; there is awareness of the HOA and the responsibilities set forth in the declaration
- HOA responsibilities are clearly laid out

Mr. Fazzone stated revised plans will be submitted to the Commission before the meeting of December 14, 2020, and there will be IWW approval.

With respect to the DEEP inspection of the dam, Mr. Natale asked about this being included in the HOA declaration with dam inspection in 2021.

In that regard, Attorney Fazzone said the responsibilities of the HOA will be in the declaration, but inspection of the dam would not be included in the declaration. DEEP will inspect the dam in 2021.

Mr. Natale does not want new homeowners having liability for the dam inspection.

The Commission was informed by Mr. McEvoy there has been DEEP feedback that the dam must be inspected by the end of 2021. This dam is registered with the State, and is a class AA dam, the lowest priority dam. Going forward, the HOA will have liability for the dam; the HOA also has access to the dam for passive recreation; and the dam will be owned by the property owners at the end of 2021.

Mr. McEvoy offered to have someone from MMI look at the dam and its condition etc.

Chairman Kurtz stated it is in the best interests of the development to know the dam is in proper condition before homeowners purchase the homes.

The public hearing was held open to December 14, 2020.

## **VI. ADJOURNMENT**

MOTION by Mr. Dawson; seconded by Mr. Natale

MOVED to adjourn the public hearing at 8:33 p.m.

VOTE        The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk