

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, DECEMBER 14, 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

Public comments accepted at 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 as soon as possible.

Present

Earl J. Kurtz III, Chairman; Sean Stollo, Vice Chairman; Jeff Natale, Secretary; Matthew Bowman, Robert Brucato, John Kardaras, Louis Todisco.

Absent: S. Woody Dawson and Gil Linder

Alternates: Robert Anderson, Casey Downes, Tom Selmont

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

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

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| 1. | Special Permit Application | PH 11/23/2020 |
| | <u>DeGennaro Development & Construction LLC</u> | PH 12/14/20 |
| | Wiese Road & Academy Road | MAD 02/17/21 |
| | Earth Removal Waiver, Section 25.5(9) | |
| 2. | Earth Removal, Filling or Regrading Permit | PH 11/23/2020 |
| | <u>DeGennaro Development & Construction LLC</u> | PH 12/14/20 |
| | Wiese Road & Academy Road | MAD 02/17/21 |
| | Waiver Subsection 9 under Section 25.5 | |

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| 3. Resubdivision Application
<u>DeGennaro Development & Construction LLC</u>
Wiese Road & Academy Road
22 Lots (Orchard View Subdivision) | PH 11/23/2020
PH 12/14/20
MAD 02/17/21 |
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Town Planner Voelker read comments from Chesprocott Health District; Cheshire Fire Department dated 12/2/20, and Cheshire Police Department dated 12/10/20 into the record.

Attorney Anthony Fazzone represented the applicant for the continuation of the public hearing of the applications. Mr. Fazzone reported the applications received IWW approval, with IWW minutes forwarded to the Commission. At the prior PZC public hearing there were two matters held open...the dam on the site and sight lines along Academy Road.

Ryan McEvoy, P.E. Milone and MacBroom, informed the Commission that a revised site plan with IWW approval and site plan revisions focused on Region 9 the upper area of the site. The basin has been relocated which is more favorable to IWW.

Dam – The dam will have proper inspection and repair, per DEEP requirements, prior to the Homeowners Association (HOA) providing maintenance of the dam. Mr. McEvoy stated the applicant is committed to performing the required DEEP inspection and repairs to the dam before transfer of title of the first house.

Sight Lines – The sight lines on Academy Road and Wiese Road have been reviewed with the CPD Traffic Division. A right turn from Academy Road to the center of town is a +1000 feet sight line; to the left the sight line is about 800 feet; both are above requirements. Wiese Road has 500 feet of sight line in each direction. CPD is in agreement that the sight lines are adequate in accordance with the regulations.

Chesprocott has approved the revised lot layout; additional testing was done on lot #4; this lot did not have adequate testing and more test pits were done; the lot is suitable for a septic system; IWW approval was received.

Mr. McEvoy stated the application(s) conform to the zoning regulations.

Homeowner's Association (HOA) – There were questions from Commissioners about the HOA declaration and the dam on the property. Attorney Fazzone explained that there will be language similar to that for detention basin requirements for the dam. The contracts for purchase of the lots and homes within the subdivision will have a statement...in bold print...about the dam on the property being the ultimate responsibility of the HOA. This would be effective after the dam is inspected and necessary remediation is done to bring the dam to specified condition.

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The inspection and repair schedule will be done by Milone and MacBroom by Ted Hart, who has substantial knowledge of what is required by the State for a dam inspection.

With respect to the dam inspection and repair as a stipulation to the approval, Mr. Voelker advised the applicant has offered the inspection and remediation.

The trimming of trees on the Wiese Road sightline was raised by Mr. Natale.

Mr. McEvoy stated that sight lines in the plans at 550 feet+ exceed normal standards. The only obstruction for Richmond Glen would be limbs on the trees on property owned by the applicant. The limbs can be removed without difficulty. Without leaves on the trees the sightline is +1000 feet.

Pond – Mr. Brucato asked about access to the pond, clearing the area, walkways and who maintains access.

Mr. McEvoy said there is a gravel driveway maintained by the HOA; there is foot traffic to the pond itself.

The pathway to the lots near the pond are subject to the site plan approved by IWW; they are not intended to be paved; they are cleared as determined by IWW; homeowners with use of the pond have responsibility.

Mr. Bowman asked about #2...waiver of earth removal permit. He is uncomfortable with this waiver request, and questioned keeping the public hearing open until information is received about the dam inspection.

The Commission was told by Mr. McEvoy that there is a narrative about earth removal and regrading tied to the road and storm water basins. There is 3,000 LF of roadway; there are two small basins near the intersection of Weise Road and Academy Road; the basins collect storm water runoff from the roadway prior to getting onto state and local highways. The waiver is for two (2) feet below what is there today. It is limited in nature; the request is part of the application; the plan was approved by IWW with the storm water basins as shown.

The dam inspection is required, periodically, by DEEP, and the next one for this dam is by the end of 2022. This inspection will be required whether the application is approved or not approved. Dam maintenance is the responsibility of the property owner. After the applicant receives DEEP approval, necessary repairs are done, and the HOA takes over responsibility for the dam. The dam inspection is not tied to approval...just to the fact that it is on the site today. The dam was last inspected by DEEP in 1996.

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With an inspection 25 years ago, Mr. Bowman said there could be significant changes and someone with knowledge should look at the dam.

It was stated by Mr. McEvoy that the applicant will have a dam inspection...but the dam itself is not part of the application.

Attorney Fazzone said this is all similar to "off site improvements" and the dam is in the jurisdiction of DEEP. The applicant is prepared to do the inspection and remediation work before the required date. The waiver related to Section 9, not the subdivision. The regulations do not permit excavation within 50 feet off the roadway, and to connect one road to another the site needs some regrading. None of the activity is in or near the wetlands, but slightly in the upland review area. Mr. Fazzone said issued with the dam should not interfere with the Commission acting on the application. This is a minor regrading.

Ms. Downes reiterated her issues with traffic onto Academy Road. CPD stated it is adequate, and that is not good enough for that section of road. She talked about people cutting through, many cars, deliveries in and out, and a dangerous turn around taking a left turn.

It was explained by Mr. McEvoy that with a dead end road every vehicle would not take a left turn onto Wiese Road. There are adequate sight lines in all directions. The applicant is comfortable the through road is the best scenario for emergency response.

Property Deeds for Subdivision Lots – The Commissioners raised the issue of the dam and HOA, and stipulations.

Attorney Fazzone clarified that the HOA will be formed subject to the Declaration which says the HOA will be responsible for maintaining the dam. These representations will be noted in bold print in the homeowner's purchase contract. The applicant has stated a commitment to have the dam inspected and remediation completed before any lot/house has a closing and is transferred, and until an HOA is formed. If someone wants an immediate purchase in the subdivision they will be alerted to the HOA.

Mr. Voelker advised no bonding is required.

With regard to the dam being repaired, Mr. McEvoy responded to a few questions. The DEEP has jurisdiction over the dam; repairs are subject to DEEP approval; work will be supervised by DEEP; the applicant has committed to inspection and needed repairs to the dam.

DEEP has authority to require dam improvements if the inspection shows they are needed. Mr. Fazzone advised that the DEEP could go to court, if necessary on this issue.

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Chairman Kurtz clarified that if the DEEP does not sign off on the dam the applicant cannot sell any lots to potential buyers without the DEEP approval on the dam.

In response, Attorney Fazzone stated it is not “sell any lots”...it is “close or transfer” property without DEEP approval of the dam.

Mr. Voelker advised that there can be a requirement for the DEEP to certify the dam repairs to the Town of Cheshire.

The history and issues of “dams” in Cheshire was cited by Mr. Fazzone who said it all comes from the reputation of one dam in a subdivision without formation of an HOA. Without an HOA there was no group responsible for this dam.

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

Commissioner Brucato was recused from application #4.

- 4. Special Permit Reapproval Application**
Ball & Socket Arts Inc.
493 West Main Street
SARD for an Arts Center with mixed uses to
Include restaurant and retail space

PH 12/14/20
MAD 02/17/21

Attorney Fazzone represented the applicant for a re-approval of SARD for an arts center and completion of the project. The application of 2014 is requested to be made part of the record of the December 14, 2020 record. The property will be the site of an arts center, performing area, restaurants, art gallery, multi-media center, music, arts instruction, ice cream parlor. It is mixed use development.

The subject property was a former manufacturing business for many years, and had significant contamination which the applicants have been working to remediate. There is more remediation work to be done.

Mr. McEvoy explained changes to the storm water management system, with re-application to IWW. Anchor Engineering (town consulting engineers) had a list of minor things to be done, such as tweaking to the storm water management plan, tail water revisions.

Mr. Voelker read Cheshire Fire Department comments dated 12/10/20 into the record.

Mr. Voelker informed the Commissioners that the plan before the PZC was already approved with CFD comments.

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Fire and Police Departments had significant input on the final site plan, and Mr. Fazzone with the same being requested for re-approval.

Public Comments – Ms. Simone read comments into the record from Llona Smogyi and Ron Bergamo.

Chairman Kurtz closed the public hearing.

**5. Special Permit Application
687 South Main LLC
687 South Main Street
Planned Residential Infill Development –
7 townhouse style units with associated access
drives and utilities**

**PH 12/14/20
MAD 02/17/21**

John Milone, P.E. Milone and MacBroom represented the applicant. The site is .70 acres; 30,056 SF and is a former underground gas station which has been abandoned for many years. There is no value to the community, and the zone change allows the applicant to present a positive addition to the town.

The site is surrounded by a medical office building, business use buildings, mixed use property with a 3rd floor apartment, some undeveloped land and a single family home. The topography slopes along RT 10 to the west side; there is 12 feet of grade change; the former site use resulted in some diesel remaining on the property; and there cannot be excavation to this site into the existing grade.

Mr. Milone reviewed the designs of the seven (7) units within two (2) buildings; one building with four (4) units; one building with three (3) units; the units will all have garages; access to the site will be from a new driveway located on Higgins Road, about 100 feet west of South Main Street; the existing driveway will be closed.

Traffic Study – the traffic study indicates there is adequate sight distances; it is a signaled intersection with good opportunity to enter and exit; peak hours of traffic will be 3 p.m. to 6 p.m.

Mr. Brucato commended the applicant for a great job with the design of the townhouse units.

With three (3) bedroom units, Mr. Strollo estimated 21 people, a low traffic impact. He asked if the units are rentals or owned.

The Commission was informed by Mr. Milone that the owner will sell the units; it is not an age restricted development; there are no bedrooms on the first floor.

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A question was asked about rentals to Quinnipiac College students...and Mr. Milone said that is not the owner's intention.

Mr. Voelker read comments from the Regional Water Authority dated 12/10/20 and Cheshire Fire Department dated 12/10/20 into the record. Mr. Voelker advised the application awaits IWW approval.

Excavation – Mr. Milone advised there will not be digging below 3 or 4 feet; material will be brought to the site; and footings will not get beyond 3 to 4 feet depth.

Public Comments – Ms. Simone read comments from Christine Morris into the record.

Mr. Milone stated the storm water management plan is very detailed, and will improve any water collection. The applicant proposes a series of trees along the north line which will be a good buffer; TBC comments have been reviewed and the committee is satisfied with the plants selected; the plants will be tall, and up to 10-12 feet. There is no HOA planned for this community.

Chairman Kurtz closed the public hearing.

Commissioner Bowman was recused from application #6.

6. Special Permit Application
Apex Developers LLC
15 Monarch Place
Accessory Apartment

PH 12/14/20
MAD 02/17/21

Phillip Bowman, 365 Finch Avenue, Cheshire CT, represented the application for approval of a 936 S.F. accessory apartment at 15 Monarch Place. The apartment will be a single entry coming into the garage with egress off the family room; there is connection to the main house through a mud room; there is public water and septic system.

Mr. Voelker read Cheshire Fire Department comments dated 12/10/20 into the record. There are no issues with this application, and Mr. Voelker said it is within all the regulations.

Chairman Kurtz closed the public hearing.

V. ADJOURNMENT

MOTION by Mr. Kardaras; seconded by Mr. Brucato

MOVED to adjourn the public hearing at 8:50 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk