

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, DECEMBER 14, 2020.

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

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 Strollo, 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 regular meeting to order at 8:51 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.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – P.H. 11/23/20 and Regular Meeting Of 11/23/20

MOTION by Mr. Natale; seconded by Mr. Todisco

MOVED to approve and accept the minutes of the Public Hearing of 11/23/20 and Regular Meeting of 11/23/20 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

VI. ELECTION OF OFFICERS

VII. APPROVAL OF 2021 MEETING DATES

Chairman Kurtz moved agenda items VI and VII to the end of the agenda.

VIII. COMMUNICATIONS

John Milone, Milone and MacBroom, LLC addressed the Commission about changes coming to the firm. 32 years ago the business came to Cheshire, has 100+ employees at 99 Realty Drive location and it has been great over these years. Mr. Milone advised that the firm has merged with SLR Consulting as of January 1, 2021. It will be the same firm, same staff, and commitment to the community. Mr. Milone thanked the PZC members for their excellent relationship with the firm throughout the years.

Chairman Kurtz wished Mr. Milone and the firm good luck and success, and said the PZC looks forward to a continued excellent relationship with the firm.

Commissioner Bowman was recused from #1. Mr. Anderson, Ms Downes and Mr. Selmont were the alternate members for this application.

- 1. Letter from Anthony J. Fazzino, Esq. dated 12/1/2020
RE: Requesting further extension of the ninety (90) day period
To file the subdivision map for: Subdivision Approval-Miller
Napolitano Wolff LLC and Tri-Star Development LLC-North End
Parcels – dated June 8, 2020**

Mr. Voelker read the letter from Attorney Fazzino into the record of the meeting.

MOTION by Mr. Brucato; seconded by Mr. Natale.

MOVED that the Cheshire Planning and Zoning Commission hereby grants a 90-day extension for the filing of the Subdivision Mylar for the approved: Resubdivision Map Subdivision Plan North End Parcel 1953 Highland Avenue, 2037 Highland Avenue, and MBL:3-51 Cheshire, Connecticut, Sheets 1 and 2 by Milone and MacBroom as authorized under Section 8-25 of the Connecticut General Statutes.

VOTE The motion passed unanimously by those present.

- 2. Pre-Application Review dated December 2, 2020
Tri-Star Development LLC
Miller Napolitano Wolff LLC
Interchange Special Development Project and Subdivision Approval
Highland Avenue, I-691 and Dickerman Road
WITHDRAWN**

Commissioner Bowman was recused from #3. Mr. Anderson, Ms Downes and Mr. Selmont were the alternate members for this application.

- 3. Letter from Ryan McEvoy, P.E. Milone & MacBroom dated 12/7/2020
RE: Request for an additional 90-day extension to file the final
Subdivision documents on the Cheshire Land Records for the approved
Caley Property Subdivision – South Meriden Road and Colton Lane**

MOTION by Mr. Natale; seconded by Mr. Kardaras

MOVED that the Cheshire Planning and Zoning Commission hereby grants a 90-day extension for the filing of the Subdivision Mylar as authorized in accordance with Section 8-25 of the Connecticut General Statutes. The extension will expire on April 13, 2021.

VOTE The motion passed unanimously by those present.

IX. UNFINISHED BUSINESS

Ms. Downes and Mr. Anderson are the alternates for #1.

- 1. Special Permit Application MAD 02/16/2020
Menemsha Solutions; General Contractor
905 South Main Street
Medical Testing Facility**

Maggie Moree, Government Affairs, CVS, informed the Commission of the request for CVS to install a temporary structure at its 905 South Main Street store for a COVID-19 rapid testing center. CVS does not own the property but negotiated with the owner for testing location on the site. The application includes details of the operation of the temporary structure for up to 6 months with possible extension of the 6 month time frame.

Mr. Voelker read comments from the Cheshire Fire Department dated 12/5/20 into the record.

Ms. Moree explained that there will be appointment only testing; 4 people per hour; no more than 2 people (testing person and patient) at one time in the testing kiosk with social distancing. Hours of operation will be 9 a.m. to 5 p.m. 7 days a week by appointment. People can visit CVS.com website for further information.

MOTION by Mr. Brucato; seconded by Mr. Todisco

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed medical testing facility at 905 South Main Street, as shown on plans provided by the applicant is consistent with the requirements set forth within the Cheshire Zoning

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Regulations, and hereby approves this application conditioned upon compliance with comments from the Cheshire Fire Marshall dated December 10, 2020.

VOTE The motion passed unanimously by those present.

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| 2. 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) | |

Mr. Anderson and Mr. Selmont were the alternates for #2, #3, #4, #5

MOTION by Mr. Natale; seconded by Mr. Brucato

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed regrading within 50 feet of the street line as shown on plans entitled "Orchard View Subdivision, Residential Subdivision, Academy Road (RT 68 & 70) & Wiese Road, Cheshire CT" revised through December 11, 2020 will not involve or create substantial risk of damage to any abutting properties and hereby approves this request.

VOTE The motion passed unanimously by those present.

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| 3. 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 | |

MOTION Mr. Natale; seconded by Mr. Brucato.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed regrading within 50 feet of the street line as shown on plans entitled "Orchard View Subdivision, Residential Subdivision, Academy Road (RT 68 & 70) & Wiese Road, Cheshire CT" revised through December 11, 2020 will not involve or create substantial risk of damage to any abutting properties and hereby approves this request.

VOTE The motion passed unanimously by those present.

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| 4. Resubdivision Application | PH 11/23/2020 |
| <u>DeGennaro Development & Construction LLC</u> | PH 12/14/20 |
| Wiese Road & Academy Road | MAD 02/17/21 |
| 22 Lots (Orchard View Subdivision) | |

MOTION by Mr. Natale; seconded by Mr. Brucato.

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MOVED that the Cheshire Planning and Zoning Commission finds that the proposed Resubdivision for 21 residential building lots as shown on plans entitled "Orchard View Subdivision, Residential Subdivision, Academy Road (RT 68 & 70) & Wiese Road, Cheshire CT" revised through December 11, 2020 are consistent with the requirements set forth within the Cheshire Zoning Regulations and Subdivision Regulations and hereby approves this request conditioned upon compliance with the following:

1. Comments from the Cheshire Fire Department dated November 2, 2020
2. Comments from the Chesprocott Health District dated December 12, 2020

VOTE The motion passed unanimously by those present.

5. **Special Permit Reapproval Application** **PH 12/14/20**
Ball & Socket Arts Inc. **MAD 02/17/21**
493 West Main Street
SARD for an Arts Center with mixed uses to
Include restaurant and retail space

MOTION by Mr. Natale; seconded by Mr. Bowman.

MOVED that in accordance with Section 45.A.5 of the Town of Cheshire Zoning Regulations and after due consideration of the entire record including the original approval of this application on January 12, 2015 the Cheshire Planning and Zoning Commission hereby approves the Special Permit for the Ball and Socket Arts Facility as shown on plans entitled "Ball and Socket Arts – Phase 1, 493 West Main Street, Route 68/70, Cheshire CT.

VOTE The motion passed unanimously by those present.

Commissioner Bowman was recused from #6. Mr. Anderson, Ms Downes and Mr. Selmont were the alternate members for this application.

6. **Special Permit Application** **PH 12/14/20**
687 South Main LLC **MAD 02/17/21**
687 South Main Street
Planned Residential Infill Development –
7 townhouse style units with associated access
drives and utilities
TABLED UNTIL JANUARY 11, 2021
7. **Special Permit Application** **PH 12/14/20**
Apex Developers LLC **MAD 02/17/21**
15 Monarch Place
Accessory Apartment

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MOTION by Mr. Natale; seconded by Mr. Brucato

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed accessory apartment at 15 Monarch Place is consistent with the requirements set forth within Section 30, Schedule A, Item 5 of the Cheshire Zoning Regulations and hereby approves this application conditioned upon compliance with comments from the Cheshire Fire Department dated December 10, 2020.

VOTE The motion passed unanimously by those present.

Commissioner Bowman was recused from item X. Mr. Anderson, Ms Downes and Mr. Selmont were the alternate members for this application.

X. BONDS

1. Road Acceptance – Beechwood Court – Clearview Farm Preserve Subdivision

Mr. Voelker read the letter from PW Director Noewatne into the record.

MOTION by Mr. Natale; seconded by Mr. Kardaras

MOVED that in accordance with the December 4, 2020 letter from George Noewatne, Director of Public Works and Engineering, the Planning and Zoning Commission recommends that the Town Council accept Beechwood Court, in its entirety, as a Town Road. All as shown on a map entitled “Re-Subdivision Map Clearview Farm Preserve, 947 Cornwall Avenue, Cheshire CT 06410” Scale 1”=40’; Date: June 5, 2017, revised through October 25, 2017, Sheets SM-1 and SM-2, prepared by Milone and MacBroom Inc. 99 Realty Drive, Cheshire CT 06410.

Acceptance by the Town Council should be conditional upon the recording of the warranty deed for the Town right-of-way and related legal documents as approved as to form and content by the Town Attorney.

At the time of acceptance, the existing performance bond may be released and a maintenance bond in the amount of \$6,500 should be posted.

VOTE The motion passed unanimously by those present.

XI. NEW BUSINESS

**1. Zone Text Change Petition
Bozzuto’s Inc.
Section 48 Interchange Zone Regulation:
To delete Section 48.2b (2) last paragraph**

Storage, warehouse uses and distribution centers are prohibited except as incidental to a permitted use.

Truck terminals are prohibited.

SCHEDULED FOR JANUARY 11, 2021

NEW: 48.2 Permitted Uses:

**Add: Section 48.2h) Storage, Warehouses and Distribution Centers
With trucking facilities incident to the main use.**

2. **Earth Removal, Filling or Regrading Permit
Nosal Properties of South Main Street LLC
944 South Main Street
Waiver Subsection 9 under Section 25.5**

SCHEDULED FOR JANUARY 11, 2021

3. **Special Permit Application
Nosal Properties of South Main Street LLC
944 South Main Street
Coffee shop with drive-thru
Section 30, Sch. B Para. 40a and Section 40
SCHEDULED FOR JANUARY 11, 2021.**

VI. ELECTION OF OFFICERS

Chairperson – conducted by Secretary Natale

MOTION by Mr. Brucato; seconded by Mr. Bowman

MOVED that Earl J. Kurtz III be elected Chairman of the Planning and Zoning Commission.

Nominations were called for three times; there were no other nominations.

MOTION by Mr. Bowman; seconded by Mr. Dawson.

MOVED to close nominations.

VOTE The motion passed unanimously by those present.

VOTE The motion to elect Earl J. Kurtz III as Chairman of the Planning and Zoning Commission passed unanimously.

Vice-Chairperson – conducted by Chairman Kurtz

MOTION by Mr. Natale; seconded by Mr. Bowman

MOVED that Sean Stollo be elected Vice-Chairman of the Planning and Zoning Commission.

Nominations were called for three times; there were no other nominations.

MOTION by Mr. Bowman; seconded by Mr. Dawson.

MOVED to close nominations.

VOTE The motion passed unanimously by those present.

VOTE The motion to elect Sean Stollo as Vice-Chairman of the Planning and Zoning Commission passed unanimously.

Secretary – conducted by Chairman Kurtz

MOTION by Mr. Brucato; seconded by Mr. Stollo.

MOVED that Jeffrey Natale be elected Secretary of the Planning and Zoning Commission.

Nominations were called for three times; there were no other nominations.

MOTION by Mr. Kardaras; seconded by Mr. Bowman.

MOVED to close nominations.

VOTE The motion passed unanimously by those present.

VOTE The motion to elect Jeffrey Natale Secretary of the Planning and Zoning Commission passed unanimously.

VII. APPROVAL OF 2021 MEETING DATES

MOTION by Mr. Kardaras; seconded by Mr. Todisco

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MOVED that the Planning and Zoning Commission approve the 2021 meeting dates for Public Hearings, Regular Meetings, Plan of Development, Zoning Committee, and Subdivision Committee as attached to these minutes.

VOTE The motion passed unanimously by those present.

XII. ADJOURNMENT

MOTION by Mr. Natale; seconded by Mr. Kardaras

MOVED to adjourn the regular meeting at 9:20 p.m.

VOTE The motion passed unanimously by those present

Attest:

Marilyn W. Milton, Clerk