

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION  
REGULAR MEETING HELD ON MONDAY, SEPTEMBER 24, 2012 AT 7:30  
P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET,  
CHESHIRE CT 06410**

Present

Earl Kurtz, Chairman; Sean Strollo, Vice Chairman; Martin Cobern, S. Woody Dawson, John Kardaras, Louis Todisco  
Alternates: Leslie Marinaro, Ed Gaudio, Jim Bulger  
Absent: Tali Maidelis, Gil Linder, Lelah Campo  
Staff: William Voelker, Town Planner

**I. CALL TO ORDER**

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

Mr. Kurtz read the fire safety announcement.

**II. ROLL CALL**

Mr. Maidelis called the roll.

**III. DETERMINATION OF QUORUM**

Following roll call a quorum was determined to be present.

**IV. PLEDGE OF ALLEGIANCE**

The group Pledged Allegiance to the Flag.

**V. ACCEPTANCE OF MINUTES**

**Special Meeting – 9/10/12**

MOTION by Mr. Maidelis; seconded by Ms. Marinaro

MOVED to accept the minutes of the Special Meeting of 9/10/12 subject to corrections, additions, deletions.

VOTE The motion passed 8-0-1; Dawson abstained.

**VI. COMMUNICATIONS**

**VII. UNFINISHED BUSINESS**

**VIII. NEW BUSINESS**

1. **Special Permit Application**  
**Apex Developers LLC**  
**725 North Brooksvale Road**  
**Rear Lot Accessway**

**SCHEDULED FOR PUBLIC HEARING ON OCTOBER 10, 2012**

2. **Subdivision Application**  
**Apex Developers LLC**  
725 North Brooksvale Road  
6-lots  
**SCHEDULED FOR PUBLIC HEARING ON OCTOBER 10, 2012**

3. **Special Permit Application**  
**Matthew J. Bowman**  
315 Oregon Road  
Section 30, Sch. A. Para. 1B  
Accessory Second Dwelling  
**SCHEDULED FOR PUBLIC HEARING ON OCTOBER 10, 2012**

4. **Special Permit Application**  
**Jennifer Hapanowicz**  
USA Elite Training LLC  
280 Schoolhouse Road  
Section 30, Sch. A. Para. 36B  
Softball Training Facility  
**SCHEDULED FOR PUBLIC HEARING ON OCTOBER 10, 2012**

Mr. Voelker commented on the location of this facility, concerns of different types of occupancy, and advised that the applicant visited with the Fire Department staff to insure there were no co-conflicts and how the business will be managed. Fire Department comments will be coming in time for the public hearing. Mr. Voelker explained that this is a highly skilled and very professional operation.

5. **Special Permit Application**  
**Pravin Patel**  
1106 South Main Street  
Second Floor Apartment  
**SCHEDULED FOR PUBLIC HEARING ON OCTOBER 10, 2012**

6. **Special Permit Application**  
**PT Real Estate Investments LLC**  
156 North Brooksvale Road  
To create three (3) lots, two of which  
are rear lots; one existing dwelling  
**SCHEDULED FOR PUBLIC HEARING ON NOVEMBER 14, 2012**

7. **Resubdivision Application**  
**PT Real Estate Investments LLC**  
156 North Brooksvale Road  
3-lots

**SCHEDULED FOR PUBLIC HEARING ON NOVEMBER 14, 2012**

**8. Special Permit Application**

**PABCO INC.**

**Huckins Road**

**To create two (2) rear residential lots**

**Where one (1) now exists**

**SCHEDULED FOR PUBLIC HEARING ON NOVEMBER 14, 2012**

**9. Resubdivision Application**

**PABCO INC.**

**Huckins Road**

**2-lots**

**SCHEDULED FOR PUBLIC HEARING ON NOVEMBER 14, 2012.**

**10. TABLED APPLICATIONS**

**a. Special Permit Modification Application**

**Elim Park Baptist Home Inc.**

**140 Cook Hill Road**

**Two Bld. Additions to improve business**

**Operations & resident activities & replace**

**And expand existing storage building**

**Section 43.6**

**Tabled per applicant to October 22, 2012.**

**b. Special Permit Modification Application**

**Elim Park Baptist Home Inc.**

**140 Cook Hill Road**

**Tabled per applicant to October 22, 2012**

**11. OTHER PLANNING AND ZONING COMMISSION BUSINESS**

**a. Monthly Report from Zoning Enforcement Officer**

The report was reviewed and accepted by the Commission.

**b. Other**

**Discussion on Plan of Development Issues.**

Mr. Voelker said he is getting questions which should be posted on line regarding the development issues, quality of life, etc. The questions will be emailed to Commissioners before they are posted.

Mr. Cobern asked about the letter to be drafted to the State reserving the right to comment on the new maps. The deadline is October 5<sup>th</sup>.

In response, Mr. Voelker said he will do this letter and send it to the Commissioners. Planning and WPCA are interacting on this Plan to insure the

infrastructure needs are protected. Regarding the map, Mr. Voelker said the standard of accuracy is not very good considering the types of policy implications it can present for discretionary grants.

Mr. Cobern attended the RPC meeting a few weeks ago, and this Plan was a very hot topic for discussion. Some towns, particularly a rural town, found the whole town zoned as balance growth, when it used to be farm land. In addition, everybody had problems with the maps. There was a story going around about adoption of a Jersey Law, which is when it comes to grants, and it is not in the State Plan of Development, a town cannot get a grant.

This issue has been discussed by Mr. Cobern and Mr. Voelker. In that regard, Mr. Voelker spoke with Dan Morley from OPM regarding this issue. The Statewide plan is still general, will be a general guide for discretionary grants for various purposes, but the place they will look after that is the town's plan of conservation and development and its recommendations. The most important part of the Statewide plan is that we are consistent with the general policy issues in there, and which were discussed in a memo to the Commission from Mr. Voelker. The Town of Cheshire must identify in its Plan the kinds of things which are important for discretionary growth.

According to Mr. Cobern, two other issues were discussed. One was the concern that developers would look at the State map as mixed growth, where the town has it as mixed growth or such. This not a real problem but could make life a little more annoying.

Another issue was the use of census blocks, and Mr. Cobern said they are based on a fixed population number. In Waterbury a census block is a city block, and in the rural area, a census block could be 12 acres. If there is any development within that block the State says it is balanced development, while 98% could still be farm land. Apparently, there have been a few requests to the State to at least let the towns divide the blocks in half, and the State said no.

Mr. Voelker said that from the State's standpoint, the census designation is the only reliable designation which is consistent state wide. The word "reliable" is troubling there. Every town is different, and even neighborhood to neighborhood may not have any relationship with each other. It is not all the same size, and is based on population density – one community has a large area and another one that is small, and to use that as a standard as to whether the State will fund discretionary infrastructure is difficult to justify. Also, the argument is that the development community can take the state wide plan and say they want sewer in the R-80 zone is nonsense. This is not true. State agencies cannot require a town to extend sewer. WPCA in Cheshire has a specific policy on this which the Commission will review – no sewer in the R-80 districts. No piece of legislation should ever do that, and nothing is being contemplated now to do this. The only

way developers get extra density and supporting utilities is if municipalities agree to give it to them. The State cannot compel the towns to do this through its plan.

When the map came out a few years ago, Mr. Kurtz commented on everyone being very concerned and could not get sewers. He asked why we listened to it once, and now again.

Mr. Voelker said the zone cannot get sewers. The green areas on the former map, conservation areas, DEEP was telling municipalities not to sewer because they did not want to support the higher densities that would be allowed in those areas. The fear is that a developer can say it is on the plan and it has to be given to them, and Mr. Voelker said this is not true. DEP was using the colored map to limit the extension of utilities, and to this day this is a fear of the development community.

Mr. Voelker noted that the State plan established a framework, but does not require the towns to do anything specific other than to deal with the various policy issues therein. DEEP said no more utility extensions in the green areas on the map, and if you do this, funding for the treatment plant could be withheld. It was not a requirement to do it, just setting a limit on it. In the upcoming legislation session the green areas will disappear.

A question was raised by Mr. Kurtz about the green areas disappearing, and why there is a limit to putting sewer in that area.

Mr. Voelker said this is because WPCA has a specific policy that they will not extend sewers into R-80 areas. If the area is not R-80, there is a gallons per day, and WPCA will limit where sewers will be put. WPCA's plan was done on the 2005 plan with the green areas on it, and has not intentions to extend sewers to former conservation areas on the green map, which are now called balanced growth areas. Mr. Voelker believes WPCA will live by its facilities plan done in 2007-08, which is tied to the 2005 plan. He does not see the new plan giving rights or taking rights away than previously.

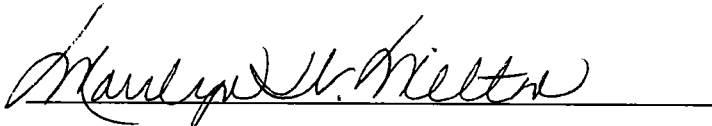
## **IX. ADJOURNMENT**

MOTION by Mr. Cobern; seconded by Mr. Dawson

MOVED to adjourn the meeting at 7:55 p.m.

VOTE The motion passed unanimously by those present.

ATTEST:



Nancy W. Miller