

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION  
PUBLIC HEARING HELD ON WEDNESDAY, OCTOBER 10, 2012 AT 7:30  
P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET,  
CHESHIRE CT 06410**

Present

Earl Kurtz, Chairman; Sean Stollo, Vice Chairman; Tali Maidelis, Secretary;  
Lelah Campo, Martin Cobern, John Kardaras, Gil Linder  
Absent: S. Woody Dawson, Louis Todisco and Alternates Leslie Marinaro, Ed  
Gaudio and Jim Bulger  
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. NEW BUSINESS**

- |    |   |  |
|----|---|--|
| 1. | <b>Special Permit Application</b><br><b><u>Apex Developers LLC</u></b><br><b>725 North Brooksvale Road</b><br><b>Rear Lot Accessway</b> | <b>PH 10/10/12</b><br><b>MAD 12/4/12</b> |
| 2. | <b>Special Permit Application</b><br><b><u>Apex Developers LLC</u></b><br><b>725 North Brooksvale Road</b><br><b>6-lots</b>             | <b>PH 10/10/12</b><br><b>MAD 12/4/12</b> |

Mr. Kurtz recused himself from applications #1 and #2.

Ryan McEvoy, P.E. Milone and MacBroom represented Apex Developers LLC. He said that the special permit is associated with the rear lot accessway for three lots. Mr. McEvoy displayed a rendering of the 23.5 acre parcel at 725 North Brooksvale Road, across from Ward Lane, with Mountain Road to the west part of the parcel. There is one building on the property and the rest is undeveloped. The western and eastern portions of the property are near Roaring Brook; there

is an agricultural area near North Brooksvale Road; some ponds were dug by the farming operation over the years; and the applicant is working with IVW for approval of the development. The topography of the property slopes from North Brooksvale to the South to the flood plain of Roaring Brook; there are some isolated high spots, sand and gravel pockets.

The proposal is for a 6 lot subdivision; there is one existing house and five more will be constructed. Three lots will have direct access off North Brooksvale Road and three lots will have access off a 580 .f. common access driveway. There is a gas transmission line running north to south on the parcel, and one front lot will have the line going through it, and will be about 80 ft. from the line. The lots on North Brooksvale will have 2.5 to 2.75 acres and the rear lots will have about 5.25 acres each. The lots will have public water and private septic systems, and testing has been done by Chesprocott and the property is suited for septic systems.

Sight lines – Mr. McEvoy noted there are some horizontal and vertical curves in this area, and pointed out the vegetation areas to be cleaned out. The rear lot access way will exit onto North Brooksvale Road at a high point, with 400 feet sight lines to the left and right. For the two frontage lots the driveways will also see 400 feet in either direction; for lot #2 additional clearing will be required for this sight line; but no lots will require any easements.\

Storm Water Management – there is a minor increase in impervious coverage associated with the driveways and the lots in the rear. All agricultural area, with the exception of the house, will be vegetated with grass; and there will be provision of minor storm drainage and rain gardens and dry walls along the rear access way to achieve a net zero increase. The rear lot access way will be a 15 foot wide paved section, 6 foot gravel shoulders, and this is in conformance with town standards.

It was pointed out by Mr. Voelker that there are driveways close together, and this was pointed out on the rendering.

Mr. McEvoy said lot #3's location is proposed because of the high point in North Brooksvale Road, and if the driveway is on the far eastern part of the parcel you can see over the high point. The distance between the two driveways is about 25 feet, which is the distance of having two lots. The distance of the shared driveway is about 580 feet.

Mr. Voelker expressed his concerns about this because the developer must provide an access way, and cannot tie into the rear lot access way. It must be insured that this lot cannot tie in, and the buyer must be aware of this fact. The subdivision regulations make it clear that no more than three lots can come off a rear lot access way.

Fire Department comments were received, and Mr. McEvoy said the department wants a fire hydrant installed on North Brooksvale Road, and there is public water to do this. The department wanted sprinkler systems in the rear lot houses, and Mr. McEvoy said the applicant is working with the department on this issue, and it is not the intent to install sprinkler systems on these rear lots.

Mr. Voelker read the October 9, 2012 Fire Department comments into the record.

Mr. Cobern read the October 4, 2012 Engineering Department comments into the record.

There will be a 25 foot turn around for fire trucks.

The application will be held open pending IWW action and approval.

Mr. Maidelis asked that the 580 ft. driveway be pointed out on the map.

Mr. McEvoy pointed out North Brooksvale Road to the South, to the 25 foot radius turn around and the three lots, and the farthest lot to the turn around is about 230 feet.

Mr. Maidelis stated concerns about the last house without a sprinkler system because this is a long distance for safety reasons.

The Commission was told by Mr. McEvoy that there have been meetings with the Fire Chief and Fire Marshal and as long as the distance is less than 300 feet no sprinkler system is required.

Regarding the existing lot, Mr. Maidelis said there was testimony about water coming onto the property, and he asked if there were flooding problems.

In reply, Mr. McEvoy said he is unaware of any history of flooding conditions on this lot, and the new lots will be outside the flood plain boundaries.

THE PUBLIC HEARING WAS CONTINUED TO OCTOBER 22, 2012.

**3. Special Permit Application**  
**Matthew J. Bowman**  
**315 Oregon Road**  
**Section 30, Sch. A. Para. 1B**  
**Accessory Second Dwelling**

**PH 10/10/12**  
**MAD 12/4/12**

Attorney Anthony Fazzino represented the applicant. He distributed copies of the revised plans for the subject property, noting that staff and the Commission

have not seen these plans before this meeting. There was discussion with staff about labeling of the different rooms in the 2<sup>nd</sup> dwelling.

Mr. Fazzone said this is a special permit application pursuant to the new Para. 1B, Section 30, Schedule A, and it is a request to approve the existing structure as an accessory 2<sup>nd</sup> dwelling. The property is located at 315 Oregon Road, and the applicant has received Chesprocott approval and permit to discharge for the 2<sup>nd</sup> dwelling. On the site plan, Mr. Fazzone pointed out the building there now is labeled as a pool house.

Exhibit #1 – 315 Oregon Road, R-40 Zone – listing of various requirements under Para. 1B.

Mr. Fazzone reviewed these various requirements which allow a 2<sup>nd</sup> dwelling unit on a parcel meeting double the acreage requirements for the zone in which the property is located. The subject property is 100,360 s.f. A copy of this document is attached to these minutes.

It was stated by Mr. Fazzone that the property at 315 Oregon Road more than meets the requirements under Para. 1B, Section 30, Schedule A.

Under Para. 1B it states that the 2<sup>nd</sup> building cannot be higher than the main structure on the property, and for 315 Oregon Road the main building is 35 feet high and the 2<sup>nd</sup> dwelling is 28 feet high.

Exhibit #2 – report from Milone and MacBroom P.E.

Mr. Fazzone submitted photographs of the main building and pool house which shows similar architecture, roof lines, and composition. He displayed the main floor plan (kitchen, 2 bedrooms, family room/great room); and, the lower level, which is not connected has no kitchen but has 2 bedrooms, and a studio. He said the lower level is not intended to be separate dwelling unit. In looking at the building code definition in the staff report, there is one requirement for a cooking facility and the lower level does not have provisions for cooking. There are no stairs going downstairs.

The zoning regulations talk about no definition within the regulations themselves, then you go to a dictionary, and a kitchen is defined as a room with cooking facilities. The lower level does not contain such a facility.

In the future the owner may want to install a stair case to connect the two levels. At this time the applicant is not proposing that, and submits that to require anymore removal of what is in the lower level would be a gesture of waste. It can be used as dressing rooms for the pool, guest bedrooms.

Mr. Cobern asked about the lower level being included as part of the secondary dwelling, and how this affects the ratio of size.

Mr. Fazzone said the size is based on lot coverage.

Under Section 23, Mr. Cobern said a secondary source is the C.G.S. and a dwelling unit is defined as including permanent provisions for living, sleeping, eating, cooking and sanitation. He thinks the applicant is okay in this regard.

According to Mr. Fazzone there is a prospective buyer for this property and they have submitted an affidavit and confirm that the 2<sup>nd</sup> unit will not be used unless the owner of the property occupies one of the two buildings. At this time the 2<sup>nd</sup> unit will not be occupied until the buyer moves into the main house and becomes owner. And, at that time, there will be a new affidavit which will be filed submitting that the occupants of the 2<sup>nd</sup> dwelling will be either related to or employees or guests of the occupants of the first house.

Ms. Campo commented on the last action of the Commission and this dwelling being in compliance with the new regulations. But, when it was built this dwelling was not in compliance, and she asked if this was correct.

In response, Mr. Fazzone said it was not in compliance, but has not been used as a permanent dwelling unit. It did not receive a final Certificate of Occupancy.

On the site plan, Mr. Maidelis asked if the driveway goes all the way to the rear of the property.

It does not, and Mr. Fazzone said it goes to the rear of the 2<sup>nd</sup> dwelling and is existing at this time. The site plan shows everything that exists, and that will not change.

Mr. Voelker read the October 9, 2012 Fire Department comments into the record.

A letter was submitted by Mr. and Mrs. Kenneth Newman who will attend the October 22<sup>nd</sup> meeting on this application.

THE PUBLIC HEARING WAS CONTINUED TO OCTOBER 22, 2012.

4. **Special Permit Application**  
**Jennifer Hapanowicz**  
**USA Elite Training LLC**  
**280 Schoolhouse Road**  
**Section 30, Sch. A. Para. 36b**  
**Softball Training Facility**

**PH 10/10/12**  
**MAD 12/4/12**

Mr. Kurtz recused himself from application #4.

Mr. Voelker reae Fire Department comments into the record, and a revised plan has been received from the applicant.

Ryan McEvoy, P.E. represented the applicant. The facility is located at 280 Schoolhouse Road, in a building occupied by Total Tree Care and Arbor Energy, and the property was recently approved for outside propane tanks. Parking is on the south side with a gravel parking surrounding the building and existing businesses. The parcel is 5.8 acres in an R-1 zone.

The applicant proposes to use the north side of the building for a softball training facility. The applicant has met with the Fire Department, and site plan improvements were requested. There are 26 spaces on the south side of the building and they are adequate based on the zoning regulations. The Fire Department asked for some provision of protection from the side of the building where the propane tanks are located. They want a gated access from the new door on the northeast side to prevent people from exiting and wandering into the propane tank area.

Mr.Voelker read the October 4, 2012 Fire Department comments into the record.

With regard to items 3, 4 and 5, Mr. Ryan said they require modifications to the site plan. These include the fence along the northeast corner of the parcel to the west side which will prevent people using the facility and going into the tank area. The gates to be installed will have control of the Fire Department, if needed to get back there. The oil tank in the rear of the building will be removed. Other items regarding specific use and approval tailored to the use has no concerns of the applicant.

Ms. Hapanowicz informed the Commission that her business is a softball training center; no batting cages are utilized; and it is used by high end athletes for high level training.

Mr. Stollo asked about office personnel using the parking spaces, and if people are parking in another area beyond the gate.

Mr. McEvoy said there are service vehicles parking on the property, and sometimes people park alongside the building.

Regarding the hours of operation, Mr. Ryan said athletes usually arrive about 3:30 p.m. so there is little overlap with the other businesses.

THE PUBLIC HEARING WAS CLOSED.

**5. Special Permit Application Modification**  
**Pravin Patel**  
**1106 South Main Street**  
**Second Floor Apartment**

**PH 10/10/12**  
**MAD 12/4/12**

Arnold Ganz, Architect, Hamden, CT represented the applicant, Mr. Patel who is the owner and operator of the motel on South Main Street. Mr. Ganz showed photographs of the property, and the area with the octoganal window, the attic above the one story, and where the second floor apartment would be located. The current amenities and location of the laundry will not change. The attic wing is being made into the second story wing and connected to the front ridge with a cricket feature added. On the existing second floor is the family room. The 450 s.f. apartment will be for the living area for the motel manager. The first floor will remain the same. With the "cricket" installed noting can be seen rising from the existing ridge, and the footprint of the structure will not be enlarged.

Mr. Voelker read the October 1, 2012 WPCA comments into the record.

The Fire Department will review the plans prior to the building permit being issues.

THE PUBLIC HEARING WAS CLOSED.

**VI. ADJOURNMENT**

MOTION by Mr. Cobern; seconded by Mr. Maidelis.

MOVED to adjourn the public hearing at 8:35 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk

Rec'd 10/10/12

**315 Oregon Road  
R-40 Zone**

	<u>Section 32 Schedule A</u>	<u>Paragraph 1B Requirements</u>	<u>315 Oregon Road Actual</u>
<u>Minimum Lot Area</u>	40,000 sq. ft.	80,000 sq. ft	100,630 sq. ft
<u>Minimum Set Back</u>			
<u>Street Line</u>	40'	40'	120.8'
<u>Side Line</u>	30'	30'	67.8' and 75.3'
<u>Rear Line</u>	40'	40'	120'

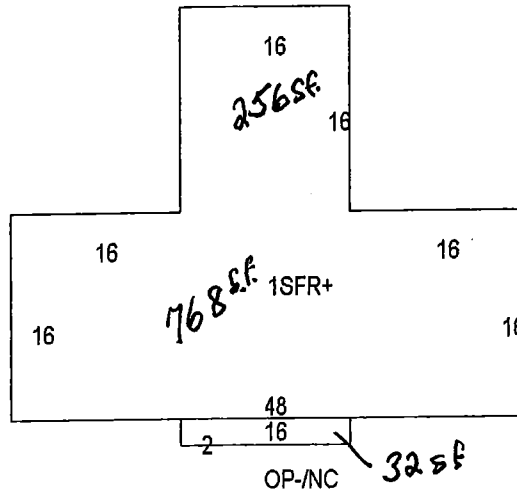
Additional Paragraph 1B Requirements

	<u>Required</u>	<u>Actual</u>
<u>Distance Between Dwellings</u>	20'	135'+
Lot Coverage	50% or less	Main Dwelling 2874 Accessory Dwelling 1056 36.7%



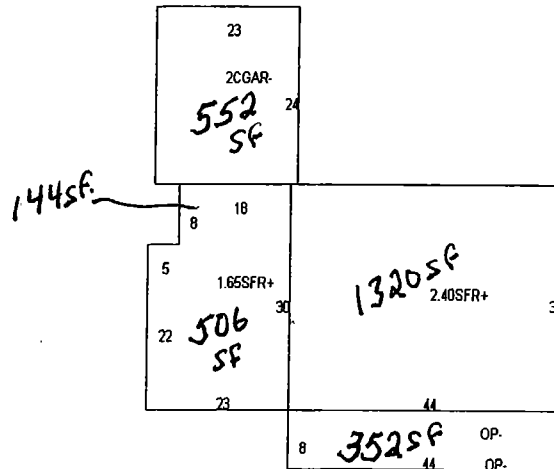
RE: Oregon Road

Accessory Second Dwelling



Total 1056 SF.

Main Dwelling



Total 2874 SF